

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 ) CR-18-00258-EJD  
 PLAINTIFF, )  
 ) SAN JOSE, CALIFORNIA  
 VS. )  
 ) MARCH 10, 2022  
 RAMESH SUNNY BALWANI, )  
 ) VOLUME 2  
 DEFENDANT. )  
 ) PAGES 258 - 497

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TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFF: UNITED STATES ATTORNEY'S OFFICE  
BY: JOHN C. BOSTIC  
JEFFREY B. SCHENK  
150 ALMADEN BOULEVARD, SUITE 900  
SAN JOSE, CALIFORNIA 95113  
  
BY: ROBERT S. LEACH  
KELLY VOLKAR  
1301 CLAY STREET, SUITE 340S  
OAKLAND, CALIFORNIA 94612

(APPEARANCES CONTINUED ON THE NEXT PAGE.)

OFFICIAL COURT REPORTERS:

IRENE L. RODRIGUEZ, CSR, RMR, CRR  
CERTIFICATE NUMBER 8074  
LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED WITH COMPUTER

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A P P E A R A N C E S: (CONT'D)

FOR DEFENDANT BALWANI: ORRICK, HERRINGTON & SUTCLIFFE LLP  
BY: SHAWN ESTRADA  
SACHI SCHURICHT  
THE ORRICK BUILDING  
405 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105

BY: JEFFREY COOPERSMITH  
AMANDA MCDOWELL  
701 FIFTH AVENUE, SUITE 5600  
SEATTLE, WASHINGTON 98104

BY: STEPHEN CAZARES  
77 SOUTH FIGUEROA STREET, SUITE 3200  
LOS ANGELES, CALIFORNIA 90017

BY: AMY WALSH  
51 W 52ND STREET  
NEW YORK, NEW YORK 10019

ALSO PRESENT:

OFFICE OF THE U.S. ATTORNEY  
BY: MADDI WACHS, PARALEGAL  
SARA SLATTERY, PARALEGAL

UNITED STATES POSTAL INSPECTION SERVICE  
BY: CHRISTOPHER MCCOLLOW

FEDERAL BUREAU OF INVESTIGATION  
BY: MARIO C. SCUSSEL

UNITED STATES FOOD & DRUG  
ADMINISTRATION  
BY: GEORGE SCAVDIS

JURY CONSULTANT  
BY: DAVID PERROTT

1 SAN JOSE, CALIFORNIA

MARCH 10, 2022

2 P R O C E E D I N G S

3 (COURT CONVENED AT 9:18 A.M.)

09:18AM 4 (PROSPECTIVE JURY PANEL OUT AT 9:18 A.M.)

09:18AM 5 THE COURT: LET'S GO ON THE RECORD IN THE BALWANI  
09:18AM 6 MATTER. ALL COUNSEL ARE PRESENT, AND MR. BALWANI IS PRESENT.

09:19AM 7 WE'RE OUTSIDE OF THE PRESENCE OF OUR PROSPECTIVE JURORS.  
09:19AM 8 WE ARE GOING TO CONTINUE WITH THE VOIR DIRE PROCESS WITH OUR  
09:19AM 9 SECOND PANEL THIS MORNING.

09:19AM 10 BEFORE WE DO THAT, THOUGH, IT WAS BROUGHT TO MY ATTENTION  
09:19AM 11 FROM OUR JURY COMMISSIONER THAT ONE JUROR EXPRESSED MEDICAL  
09:19AM 12 ISSUES IN REGARDS TO HIS PERSONAL COMFORT LEVEL.

09:19AM 13 APPARENTLY THIS JUROR EXPRESSED TO THE JURY COMMISSIONER  
09:19AM 14 THE NEED TO STAND DURING PROCEEDINGS, AND I'M JUST INFORMED  
09:19AM 15 THAT THIS WOULD REQUIRE HIM TO STAND FOR A PERIOD OF TIME EVERY  
09:19AM 16 30 MINUTES, I BELIEVE, WAS THE REQUEST.

09:19AM 17 SO I HAVE CALLED UP -- BEFORE WE BRING THE PANEL IN, I'M  
09:19AM 18 GOING TO CALL THIS JUROR UP, AND WE CAN HAVE SOME QUESTIONING.  
09:19AM 19 IT'S JUROR NUMBER 153.

09:20AM 20 (PAUSE IN PROCEEDINGS.)

09:20AM 21 (PROSPECTIVE JUROR 153 PRESENT.)

09:20AM 22 THE COURT: ALL RIGHT. THANK YOU.

09:21AM 23 WE ARE ALL PRESENT. WE'RE OUTSIDE OF THE PRESENCE OF THE  
09:21AM 24 JURY PANEL, BUT WE HAVE INVITED JUROR NUMBER 153.

09:21AM 25 GOOD MORNING, SIR. I'M GOING TO IDENTIFY YOU -- I MEAN NO

09:21AM 1 DISRESPECT, BUT I'M GOING TO IDENTIFY YOU BY YOUR JUROR NUMBER,  
09:21AM 2 PLEASE, FOR YOUR CONVENIENCE. I HOPE YOU WON'T TAKE OFFENSE  
09:21AM 3 WITH THAT.

09:21AM 4 I'VE ASKED YOU TO COME UP, SIR, BECAUSE I HAVE YOUR JURY  
09:21AM 5 QUESTIONNAIRE HERE. QUESTION 2, YOU'VE TOLD US SOMETHING ABOUT  
09:21AM 6 A MEDICAL CONDITION.

09:21AM 7 I UNDERSTAND THAT YOU ALSO MADE SOME COMMENTS OR SHARED  
09:21AM 8 SOME INFORMATION WITH OUR JURY COMMISSIONER DOWNSTAIRS, AND I  
09:21AM 9 RECEIVED THAT INFORMATION, SOMETHING ABOUT YOUR NEED TO STAND.

09:21AM 10 I TOLD THESE LAWYERS THAT I WOULD ASK YOU TO COME UP OUT  
09:21AM 11 OF THE PRESENCE OF OTHERS SO YOU COULD SHARE WITH US ANY  
09:21AM 12 INFORMATION THAT YOU FEEL COMFORTABLE DOING SO.

09:21AM 13 PROSPECTIVE JUROR: THANK YOU, YOUR HONOR.

09:21AM 14 I SUFFER FROM RESTLESS LEG SYNDROME, WHICH I INHERITED  
09:22AM 15 FROM MY FATHER, AND MY DAUGHTER -- I SUFFER FROM RESTLESS LEG  
09:22AM 16 SYNDROME. IT'S A SEIZURE DISORDER RELATED TO PARKINSON'S  
09:22AM 17 DISEASE. AND I TAKE A MEDICATION CALLED PRAMIPEXOLE, AND  
09:22AM 18 CURRENTLY I'M TAKING IT THREE TIMES A DAY: MORNING, MIDDAY,  
09:22AM 19 AND EVENING. AND IT'S PRETTY SUCCESSFUL.

09:22AM 20 BUT WHAT I HAVE FOUND DURING THE DAY IS THAT AS I GET  
09:22AM 21 TIRED, I START TO GET -- THE LEG SEIZURES BEGIN.

09:22AM 22 THE WAY I'VE DEALT WITH IT IN THE PAST -- I HAVE A CAREER  
09:22AM 23 AS A PROFESSOR, AND BASICALLY IF I CAN MOVE AROUND, IF I CAN  
09:22AM 24 WALK AROUND, I CAN KEEP IT AT BAY, BASICALLY.

09:22AM 25 SO AS A PROFESSOR, I WAS ABLE TO WALK UP AND DOWN IN THE

09:22AM 1 AUDITORIUM. AND IN MEETINGS I WOULDN'T SIT DOWN, I WOULD STAND  
09:22AM 2 BEHIND THE CHAIR.

09:22AM 3 AND THEN IF I FELT A LEG SEIZURE COMING ON, MY OPTIONS ARE  
09:23AM 4 REALLY TO STOMP MY FEET ON THE GROUND, OR JUST TO BE ABLE TO  
09:23AM 5 MOVE AROUND.

09:23AM 6 AND I WOULD WALK BASICALLY AROUND THE TABLE AND DO THE  
09:23AM 7 SAME THING WHEN I MET WITH STUDENTS AND SO ON.

09:23AM 8 AND I FOUND WITH THE FLEXIBILITY OF THE -- OF BEING A  
09:23AM 9 PROFESSOR, I COULD HANDLE IT. AND, IN FACT, IN MANY WAYS IT  
09:23AM 10 WAS USEFUL BECAUSE IT KEPT ME AWAKE.

09:23AM 11 BUT MY CONCERN IN EXPRESSING IT HERE WAS THAT I NEVER  
09:23AM 12 ACTUALLY SERVED ON A JURY BEFORE, ALTHOUGH I'VE BEEN CALLED.  
09:23AM 13 AND I WAS CONCERNED THAT IF I WAS SEATED FOR LONGER THAN AN  
09:23AM 14 HOUR, I WOULD START TO HAVE LEG SEIZURES.

09:23AM 15 IN FACT, IT HAPPENED THE OTHER DAY WHEN I WAS HERE IN THE  
09:23AM 16 JURY ASSEMBLY ROOM AND I STAYED SEATED. I DIDN'T KNOW TO WHAT  
09:23AM 17 EXTENT THAT WOULD DISRUPT YOUR PROCEEDINGS AND WHETHER I WOULD  
09:23AM 18 EVEN BE ABLE TO STAND UP.

09:23AM 19 IF I'M PINNED IN THE SEAT, IT'S JUST UNCONTROLLABLE, I'LL  
09:24AM 20 HAVE TO START BANGING MY LEG ON THE GROUND.

09:24AM 21 THE COURT: SURE.

09:24AM 22 PROSPECTIVE JUROR: AND THAT WAS MY PRINCIPAL  
09:24AM 23 CONCERN. IS THAT SUFFICIENT?

09:24AM 24 THE COURT: NO, NO, THANK YOU FOR YOUR CANDOR AND  
09:24AM 25 FOR SHARING THAT WITH US. I APPRECIATE THAT.

09:24AM 1 I ALSO GLEANED FROM YOUR QUESTIONNAIRE THAT YOU HAVE  
09:24AM 2 SOME -- YOU'RE CARING FOR YOUR WIFE.

09:24AM 3 PROSPECTIVE JUROR: YES.

09:24AM 4 THE COURT: AND SHE HAS A, IT LOOKS LIKE, A SERIOUS  
09:24AM 5 MEDICAL CONDITION THAT REQUIRES SOME ATTENTION AS WELL.

09:24AM 6 PROSPECTIVE JUROR: YES. ACTUALLY --

09:24AM 7 THE COURT: AND YOU DON'T HAVE TO TELL US WHAT THAT  
09:24AM 8 IS. I DON'T NEED TO KNOW THAT.

09:24AM 9 WE KNOW THAT. IT IS IN YOUR QUESTIONNAIRE. BUT WHATEVER  
09:24AM 10 YOU'RE COMFORTABLE SAYING.

09:24AM 11 PROSPECTIVE JUROR: MY CONCERN IS COMING HERE FROM  
09:24AM 12 SANTA CRUZ, I'M BRINGING OUR ONLY CAR WITH ME, AND SO SHE'S  
09:24AM 13 PINNED BACK IN SANTA CRUZ.

09:24AM 14 SHE'S DOING WELL. SHE HAS THREE MONTHLY MEETINGS WITH AN  
09:24AM 15 ONCOLOGIST AND A SKIN DOCTOR AND HAS BLOOD TESTS, AND THOSE  
09:25AM 16 KINDS OF THINGS.

09:25AM 17 THE COURT: SURE.

09:25AM 18 PROSPECTIVE JUROR: BUT SHE HAS TO GET TO THOSE  
09:25AM 19 APPOINTMENTS. SHE'S ABOUT 80 PERCENT DEAF IN BOTH EARS, EVEN  
09:25AM 20 WITH HEARING AIDS, AND I SO GO WITH HER IN ORDER TO LISTEN.

09:25AM 21 BUT THE MAIN CONCERN WITH HER ONCOLOGIST IS THAT HE  
09:25AM 22 DOESN'T WANT HER MIXING WITH THE GENERAL PUBLIC BECAUSE HE  
09:25AM 23 DOESN'T WANT HER TO GET COVID-19.

09:25AM 24 SHE'S DOING WELL IN TERMS OF HER BATTLING HER DISEASE,  
09:25AM 25 MELANOMA, BUT -- SO THAT WAS ANOTHER CONCERN FOR ME, THAT I WAS

09:25AM 1 BRINGING THE ONLY FORM OF PUBLIC TRANSPORT WITH ME HERE.

09:25AM 2 THE COURT: SURE.

09:25AM 3 PROSPECTIVE JUROR: SHE WAS PINNED THERE.

09:25AM 4 NONE OF THESE THINGS ARE OVERWHELMING.

09:25AM 5 THE COURT: WELL, THEY'RE, THEY'RE OF GREAT  
09:25AM 6 CONSIDERATION TO YOU AND YOUR FAMILY, SO I APPRECIATE YOU  
09:25AM 7 SHARING THESE WITH US AT THIS TIME.

09:25AM 8 MAY I ASK YOU ONE ADDITIONAL QUESTION? WHAT DID YOU  
09:26AM 9 TEACH?

09:26AM 10 PROSPECTIVE JUROR: I TAUGHT APPLIED STATISTICS --

09:26AM 11 THE COURT: YES.

09:26AM 12 PROSPECTIVE JUROR: -- TO STUDENTS IN THE SOCIAL  
09:26AM 13 SCIENCES, BIostatISTICS, EDUCATION, PSYCHOLOGY, SOCIOLOGY. I  
09:26AM 14 DREW STUDENTS FROM ALL ACROSS HARVARD AND M.I.T. TO MY CLASSES.

09:26AM 15 THE COURT: DID YOU TEACH AT OXFORD? I THINK YOU  
09:26AM 16 MATRICULATED FROM OXFORD.

09:26AM 17 PROSPECTIVE JUROR: YES. I HAVE A DEGREE IN QUANTUM  
09:26AM 18 MECHANICS FROM OXFORD, BUT MY PH.D. IS FROM STANFORD IN  
09:26AM 19 STATISTICS.

09:26AM 20 THE COURT: I SEE. I SEE. WELL, THANK YOU FOR  
09:26AM 21 THAT.

09:26AM 22 IT SOUNDS -- YOU'VE LEARNED FROM THE QUESTIONNAIRE THAT  
09:26AM 23 THIS TRIAL IS ABOUT 13 WEEKS --

09:26AM 24 PROSPECTIVE JUROR: YES.

09:26AM 25 THE COURT: -- IN DURATION. WE PROBABLY WOULD GO AT

09:26AM 1 LEAST THREE DAYS A WEEK TO START. IT MAY EXTEND. AND OUR  
09:26AM 2 STARTING TIME IS TYPICALLY 9:00 A.M., I HOPE TO END AT  
09:26AM 3 3:00 P.M., WITH A COUPLE OF BREAKS IN BETWEEN.

09:26AM 4 AND THANK YOU FOR YOUR INFORMATION ABOUT YOUR CONDITION.  
09:27AM 5 IT SOUNDS LIKE, NOTWITHSTANDING THE COMFORT THAT THESE CHAIRS  
09:27AM 6 BRING, IT MIGHT NONETHELESS REQUIRE YOU TO -- IT SOUNDS  
09:27AM 7 REALISTIC THAT SOMETHING IS GOING TO HAPPEN THAT WOULD CAUSE  
09:27AM 8 YOU TO HAVE TO TAKE CARE AND TAKE SOME MEASURES TO RESOLVE.

09:27AM 9 PROSPECTIVE JUROR: YES. I BROUGHT MY MEDICATION  
09:27AM 10 WITH ME. I WOULD HAVE TO TAKE SOME MEDICATION AROUND ABOUT  
09:27AM 11 NOON OR 1:00.

09:27AM 12 THE COURT: I SEE. OKAY.

09:27AM 13 PROSPECTIVE JUROR: BUT I -- I DON'T KNOW TO WHAT --  
09:27AM 14 I WOULD HAVE TO STAND UP AND MOVE AROUND.

09:27AM 15 THE COURT: RIGHT. RIGHT.

09:27AM 16 YOU KNOW, I'M GOING TO ASK THESE LAWYERS IF THEY HAVE ANY  
09:27AM 17 QUESTIONS FOR YOU.

09:27AM 18 PROSPECTIVE JUROR: I'M SORRY.

09:27AM 19 THE COURT: NO, NOT AT ALL. PLEASE.

09:27AM 20 MR. SCHENK?

09:27AM 21 MR. SCHENK: NOTHING FURTHER, YOUR HONOR.

09:27AM 22 MR. COOPERSMITH: NOTHING FURTHER.

09:27AM 23 THE COURT: ALL RIGHT. THANK YOU VERY MUCH,  
09:27AM 24 JUROR 153. I APPRECIATE YOU COMING UP AND SHARING THIS  
09:27AM 25 INFORMATION WITH US.



09:27AM 1 I'LL ASK YOU TO -- OUR COURTROOM DEPUTY WILL RETRIEVE THE  
09:27AM 2 MIKE FROM YOU, AND THEN IF YOU COULD JUST GO DOWNSTAIRS AND  
09:27AM 3 CHECK IN WITH THE JURY COMMISSIONER. THANK YOU SO MUCH. IT'S  
09:28AM 4 A PLEASURE MEETING YOU.

09:28AM 5 PROSPECTIVE JUROR: OH, NO, THE JURY COMMISSIONER,  
09:28AM 6 IS THAT THE LADY CLARISSA?

09:28AM 7 THE COURT: YES, YES. THANK YOU.

09:28AM 8 PROSPECTIVE JUROR: THANK YOU, YOUR HONOR. I  
09:28AM 9 APPRECIATE IT.

09:28AM 10 THE COURT: YOU'RE WELCOME.

09:28AM 11 (PROSPECTIVE JUROR 153 NOT PRESENT.)

09:28AM 12 THE COURT: ALL RIGHT. THE RECORD SHOULD REFLECT  
09:28AM 13 THAT JUROR 153 HAS LEFT THE COURTROOM.

09:28AM 14 MR. SCHENK.

09:28AM 15 MR. SCHENK: YOUR HONOR, IT DOES APPEAR THAT THIS  
09:28AM 16 JUROR HAS A HARDSHIP, AND WHILE I DON'T THINK ALL JURIES OR  
09:28AM 17 JURY SERVICE WOULD BE A CHALLENGE FOR AN UNDUE HARDSHIP FOR  
09:28AM 18 THIS GENTLEMAN, IT CERTAINLY APPEARS THAT A TRIAL OF THIS  
09:28AM 19 LENGTH WOULD BE PARTICULARLY DIFFICULT FOR THIS JUROR. SO THIS  
09:28AM 20 MIGHT NOT BE THE RIGHT TRIAL FOR THIS JUROR, AND FOR THAT  
09:28AM 21 REASON THE GOVERNMENT WOULD BE FINE WITH EXCUSING 153 FOR  
09:28AM 22 HARDSHIP.

09:28AM 23 MR. COOPERSMITH: WE AGREE, YOUR HONOR.

09:29AM 24 THE COURT: ALL RIGHT. THANK YOU. THANK YOU VERY  
09:29AM 25 MUCH.

09:29AM 1 I WILL EXCUSE JUROR 153. HE INDICATED HIS HEALTH  
09:29AM 2 CONDITION, WHICH I THINK WOULD NOT ONLY CAUSE DISRUPTION FOR  
09:29AM 3 THE TRIAL PERHAPS, BUT MORE IMPORTANTLY, WOULD BE SIGNIFICANT  
09:29AM 4 DISCOMFORT AND EVEN EMBARRASSMENT FOR HIM, AND I DON'T THINK  
09:29AM 5 THAT'S RIGHT.

09:29AM 6 I THINK YOU'RE RIGHT, THIS IS NOT THE RIGHT TRIAL. I  
09:29AM 7 THINK HE WOULD BE A TERRIFIC JUROR IN ANOTHER CASE, BUT PERHAPS  
09:29AM 8 NOT THIS ONE.

09:29AM 9 SO I'LL EXCUSE HIM.

09:29AM 10 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

09:29AM 11 THE COURT: WE'LL BRING THE BALANCE OF OUR PANEL.

09:29AM 12 COULD YOU LET THE COMMISSIONER KNOW THAT HE CAN GO?

09:29AM 13 THE CLERK: I DID.

09:29AM 14 THE COURT: THANK YOU. WE'LL BRING THE BALANCE OF  
09:29AM 15 OUR PANEL UP, AND THEN WE'LL BEGIN VOIR DIRE ON THOSE.

09:29AM 16 I KNOW WE'VE HAD SOME OTHERS THAT WE'VE PASSED TO SEE IF  
09:29AM 17 WE'RE GOING TO ASK ADDITIONAL QUESTIONS AND THE TIMING OF THAT.

09:29AM 18 WHAT I THOUGHT WE WOULD DO IS JUST GO FORWARD WITH VOIR  
09:29AM 19 DIRE THIS MORNING, SEE HOW FAR WE GET, AND THEN MAYBE THAT WILL  
09:30AM 20 INFORM US AS TO SCHEDULING.

09:30AM 21 WOULD THAT BE ALL RIGHT WITH YOU?

09:30AM 22 MR. COOPERSMITH: YES, YOUR HONOR.

09:30AM 23 MR. SCHENK: YES. THANK YOU.

09:30AM 24 THE COURT: OKAY. GREAT.

09:30AM 25 (DISCUSSION OFF THE RECORD.)

09:30AM 1 THE COURT: I'M INFORMED THE PANEL HAS NOT CHECKED  
09:30AM 2 IN, SO THAT WILL BE ABOUT 15 MINUTES.

09:30AM 3 THE CLERK: FIFTEEN MINUTES.

09:30AM 4 THE COURT: FAIR ENOUGH. GREAT.

09:30AM 5 (RECESS FROM 9:30 A.M. UNTIL 10:22 A.M.)

10:22AM 6 (PROSPECTIVE JURY PANEL IN AT 10:22 A.M.)

10:22AM 7 THE COURT: PROSPECTIVE JURORS, IF YOU WOULD REMAIN  
10:22AM 8 STANDING AND RAISE YOUR RIGHT HANDS, OUR COURTROOM DEPUTY IS  
10:22AM 9 GOING TO ADMINISTER AN OATH.

10:22AM 10 (PROSPECTIVE JURORS WERE GIVEN THE OATH.)

10:22AM 11 PROSPECTIVE JURORS: YES.

10:22AM 12 THE COURT: THANK YOU. PLEASE BE SEATED, LADIES AND  
10:22AM 13 GENTLEMEN.

10:22AM 14 THANK YOU FOR YOUR PATIENCE THIS MORNING. GOOD MORNING TO  
10:22AM 15 ALL OF YOU.

10:22AM 16 LADIES AND GENTLEMEN, YOU HAVE BEEN SUMMONED BY THIS COURT  
10:23AM 17 IN A CRIMINAL CASE ENTITLED UNITED STATES VERSUS  
10:23AM 18 RAMESH "SUNNY" BALWANI.

10:23AM 19 IN THIS CASE THE DEFENDANT, RAMESH "SUNNY" BALWANI, IS  
10:23AM 20 CHARGED WITH WIRE FRAUD AND CONSPIRACY TO COMMIT WIRE FRAUD.

10:23AM 21 THE INDICTMENT ALLEGES THAT MR. BALWANI WAS THE PRESIDENT  
10:23AM 22 AND CHIEF OPERATING OFFICER OF THERANOS INCORPORATED, WHICH WAS  
10:23AM 23 IN THE BLOOD TESTING BUSINESS.

10:23AM 24 THE INDICTMENT ALLEGES THAT THE DEFENDANT AND  
10:23AM 25 ELIZABETH HOLMES, THERANOS'S CHIEF EXECUTIVE OFFICER, KNOWINGLY

1 AND INTENTIONALLY DEvised A SCHEME OR PLAN TO DEFRAUD INVESTORS  
2 IN THERANOS AND PAYING CUSTOMERS OF THERANOS.

3 THE CHARGES ARE ONLY ALLEGATIONS AND NOT EVIDENCE.

4 THE DEFENDANT HAS ENTERED A PLEA OF NOT GUILTY TO THE  
5 CHARGES AND IS PRESUMED TO BE INNOCENT.

6 IT WILL BE THE GOVERNMENT'S BURDEN THROUGHOUT THE TRIAL TO  
7 PROVE THOSE CHARGES BEYOND A REASONABLE DOUBT.

8 THE INDICTMENT ALLEGES AS FOLLOWS: IN COUNTS ONE AND TWO,  
9 THAT MR. BALWANI VIOLATED 18 UNITED STATES CODE SECTION 1349,  
10 CONSPIRACY TO COMMIT WIRE FRAUD.

11 THE INDICTMENT ALLEGES IN COUNTS THREE, FOUR, FIVE, SIX,  
12 SEVEN, EIGHT, NINE, TEN, ELEVEN, AND TWELVE WITH WIRE FRAUD IN  
13 VIOLATION OF 18 UNITED STATES CODE SECTION 1343.

14 THE INDICTMENT IS NOT EVIDENCE OF ANY KIND. IT IS THE  
15 CHARGING DOCUMENT THAT IS FILED IN THIS CASE.

16 TO THESE CHARGES MR. BALWANI HAS PLEADED NOT GUILTY, AND  
17 THIS IS AN ABSOLUTE DENIAL OF THE CHARGES.

18 IT WILL BE THE PURPOSE OF THIS TRIAL FOR YOU TO DETERMINE  
19 IF THE GOVERNMENT HAS MET THEIR BURDEN IN PRESENTING THEIR CASE  
20 TO YOU.

21 NOW, JURY SERVICE IS IMPORTANT. I AGAIN WANT TO WELCOME  
22 YOU AND THANK YOU FOR YOUR SERVICE, INCLUDING THANKING YOU FOR  
23 COMING IN LAST WEEK AND FILLING OUT THE QUESTIONNAIRES THAT YOU  
24 DID. WE'LL TALK MORE ABOUT THAT IN A MOMENT.

25 BUT BEFORE WE BEGIN, I'M GOING TO DESCRIBE FOR YOU HOW THE

10:25AM 1 TRIAL WILL BE CONDUCTED AND TO EXPLAIN TO YOU WHAT YOU, THE  
10:25AM 2 LAWYERS, AND I WILL BE DOING.

10:25AM 3 NOW, WHEN I REFER TO THE GOVERNMENT, I MEAN  
10:25AM 4 MR. ROBERT LEACH, MS. KELLY VOLKAR, MR. JOHN BOSTIC, AND  
10:25AM 5 MR. JEFF SCHENK, WHO ARE THE ASSISTANT UNITED STATES ATTORNEYS  
10:25AM 6 PROSECUTING THIS CASE.

10:25AM 7 MR. LEACH, WOULD YOU INTRODUCE YOUR TEAM, PLEASE.

10:25AM 8 MR. LEACH: YES, YOUR HONOR. THANK YOU.

10:25AM 9 GOOD MORNING, LADIES AND GENTLEMEN.

10:25AM 10 MY NAME IS ROBERT LEACH. I'M AN ASSISTANT UNITED STATES  
10:25AM 11 ATTORNEY WITH THE DEPARTMENT OF JUSTICE.

10:25AM 12 TO MY LEFT ARE THE -- OR STRAIGHT IN FRONT OF ME ARE THE  
10:26AM 13 TWO OTHER PROSECUTORS AT THE TABLE: JOHN BOSTIC, AND NEXT TO  
10:26AM 14 HIM IS JEFF SCHENK.

10:26AM 15 TO MY RIGHT IS CHRISTOPHER MCCOLLOWS, WHO IS A POSTAL  
10:26AM 16 INSPECTOR WITH THE UNITED STATES POSTAL INSPECTION SERVICE, ONE  
10:26AM 17 OF THE AGENCIES INVOLVED IN THIS CASE.

10:26AM 18 OUT HERE JUST INSIDE OF THE WELL IS MADDI WACHS. SHE'S A  
10:26AM 19 PARALEGAL WITH MY OFFICE.

10:26AM 20 AND THEN IN THE SECOND ROW BACK HERE YOU'LL SEE  
10:26AM 21 MS. VOLKAR, WHO IS ALSO A PROSECUTOR WITH MY OFFICE, AND TO HER  
10:26AM 22 RIGHT ARE MARIO SCUSSEL AND GEORGE SCAVDIS.

10:26AM 23 MARIO SCUSSEL IS A SPECIAL AGENT WITH THE FEDERAL BUREAU  
10:26AM 24 OF INVESTIGATION, AND AGENT SCAVDIS IS A SPECIAL AGENT WITH THE  
10:26AM 25 FOOD AND DRUG ADMINISTRATION.

10:26AM 1 THANK YOU VERY MUCH FOR BEING HERE TODAY.

10:26AM 2 THE COURT: THANK YOU.

10:26AM 3 WHEN I REFER TO DEFENSE COUNSEL, I MEAN

10:26AM 4 MR. JEFF COOPERSMITH, MS. AMY WALSH, AND MR. STEPHEN CAZARES,

10:26AM 5 WHO ARE THE ATTORNEYS REPRESENTING MR. BALWANI.

10:27AM 6 MR. COOPERSMITH, WOULD YOU PLEASE INTRODUCE YOUR TEAM?

10:27AM 7 MR. COOPERSMITH: YES, YOUR HONOR. THANK YOU.

10:27AM 8 I'M JEFF COOPERSMITH. I REPRESENT

10:27AM 9 MR. RAMESH "SUNNY" BALWANI, AND HE'S SEATED RIGHT HERE.

10:27AM 10 I'M HERE WITH MY COLLEAGUES AMY WALSH, STEPHEN CAZARES,

10:27AM 11 SHAWN ESTRADA, AND AMANDA MCDOWELL.

10:27AM 12 THANK YOU.

10:27AM 13 THE COURT: THANK YOU. THIS CASE IS EXPECTED TO  
10:27AM 14 TAKE APPROXIMATELY 13 WEEKS OF EVIDENCE IN COURT. IT MAY BE A  
10:27AM 15 LITTLE LONGER, IT MAY BE A LITTLE SHORTER, BUT THAT'S THE  
10:27AM 16 APPROXIMATE LENGTH OF THE TIME THIS TRIAL SHOULD TAKE.

10:27AM 17 THIS MORNING WE WILL BE SELECTING JURORS WHO WILL SIT TO  
10:27AM 18 HEAR THIS CASE.

10:27AM 19 THIS PROCESS INVOLVES INTERVIEWING SEPARATE PANELS OF  
10:27AM 20 POTENTIAL JURORS OVER THE COURSE OF THE DAY.

10:27AM 21 AFTER OUR SESSION TODAY, YOU WILL BE PERMITTED TO LEAVE  
10:27AM 22 THE COURTHOUSE, AND YOU WILL THEN BE NOTIFIED BY THE COURT  
10:27AM 23 WHETHER AND WHEN YOU SHOULD RETURN TO THE COURTHOUSE.

10:28AM 24 WE'LL THEN COMPLETE THIS PROCESS, AND WE'LL THEN BEGIN THE  
10:28AM 25 TRIAL.

1 NOW, YOU HAVE -- I BELIEVE ON YOUR SEATS YOU SHOULD HAVE A  
2 TRIAL SCHEDULE. AGAIN, THIS IS THE ANTICIPATED TRIAL SCHEDULE.

3 LOOKING AT THIS SCHEDULE, YOU CAN SEE THAT WE PREDICT THAT  
4 DELIBERATIONS SHOULD BEGIN AROUND THE END OF MAY OR THE SECOND  
5 WEEK OF JUNE, PERHAPS.

6 THIS MAY CHANGE, AND OF COURSE I'LL KEEP YOU INFORMED AS  
7 TO ANY CHANGES IN OUR SCHEDULE.

8 AND AS YOU SAW IN THE PROPOSED QUESTIONNAIRE, OUR PROPOSED  
9 DAYS IN COURT WILL BE ON TUESDAYS, WEDNESDAYS, AND FRIDAYS,  
10 INITIALLY FROM 9:00 A.M. TO 3:00 P.M., AND IT MAY BE WE'LL  
11 MODIFY THE SCHEDULE AND ADD DAYS, AND I'LL LET YOU KNOW IN  
12 ADVANCE IF THERE'S A CHANGE IN OUR SCHEDULE.

13 WE ANTICIPATE BREAKING TWO TIMES A DAY WITH 30 TO  
14 45 MINUTES AS OPPOSED TO A LENGTHY LUNCH BREAK IN THE MIDDLE OF  
15 THE DAY.

16 AND BECAUSE OF THE LENGTH OF THE TRIAL, I HOPE THIS  
17 SCHEDULE ACCOMPLISHES THE TAKING OF EVIDENCE IN THE TRIAL, AND  
18 ALSO WILL AVOID STRESS AND FATIGUE THAT MIGHT ARISE FROM  
19 ALL-DAY EVERY DAY SCHEDULE THAT SHORTER TRIALS TYPICALLY HAVE.

20 NOW, I ALSO REALIZE THAT THERE ARE OCCASIONS WHEN SOMEONE  
21 MAY NEED TO TAKE AN UNSCHEDULED BREAK FOR ANY REASON. IF YOU  
22 OR ANYONE IN THE WELL HERE NEEDS TO TAKE A BREAK, PLEASE LET ME  
23 KNOW AND I'LL BE HAPPY TO TAKE A BREAK FOR ANY PURPOSE.

24 NOW, LADIES AND GENTLEMEN, THE FIRST STEP IN THE TRIAL  
25 FOLLOWING THE SELECTION OF THE JURY IS THE GOVERNMENT'S OPENING

10:29AM 1 STATEMENT.

10:29AM 2 THE DEFENDANT MAY CHOOSE TO GIVE AN OPENING STATEMENT  
10:29AM 3 FOLLOWING THE GOVERNMENT OR AT THE BEGINNING OF THE DEFENSE  
10:29AM 4 CASE.

10:30AM 5 THE PURPOSE OF AN OPENING STATEMENT IS TO GIVE YOU AN  
10:30AM 6 OVERVIEW OF WHAT THE ATTORNEYS BELIEVE THAT THE EVIDENCE IN THE  
10:30AM 7 CASE WILL SHOW.

10:30AM 8 NEXT, THE GOVERNMENT WILL OFFER EVIDENCE. EVIDENCE  
10:30AM 9 USUALLY INCLUDES WITNESSES' TESTIMONY AND EXHIBITS.

10:30AM 10 AFTER THE GOVERNMENT PRESENTS THEIR EVIDENCE, THE DEFENSE  
10:30AM 11 MAY ALSO PRESENT EVIDENCE, BUT HE IS NOT REQUIRED TO DO SO.

10:30AM 12 BECAUSE MR. BALWANI IS PRESUMED INNOCENT, HE DOES NOT HAVE  
10:30AM 13 TO PROVE THAT HE IS NOT GUILTY.

10:30AM 14 NOW, YOU HAVE ON THE BACK OF YOUR SCHEDULES ALSO A LIST OF  
10:30AM 15 WITNESSES WHO MAY TESTIFY IN THIS CASE.

10:30AM 16 I'M GOING TO ASK YOU TO LOOK AT THAT LIST AND ASK COUNSEL,  
10:30AM 17 COUNSEL, WOULD YOU AGREE AND STIPULATE THAT THE COURT NEED NOT  
10:30AM 18 READ THE ENTIRETY OF THIS WITNESS LIST INTO THE RECORD NOW? IT  
10:30AM 19 IS PART OF THE RECORD IN THE QUESTIONNAIRES.

10:31AM 20 MR. SCHENK: YES, YOUR HONOR, SO STIPULATED.

10:31AM 21 MR. COOPERSMITH: YES, YOUR HONOR. THANK YOU.

10:31AM 22 THE COURT: THANK YOU.

10:31AM 23 LADIES AND GENTLEMEN, I'M GOING TO GIVE YOU JUST A MOMENT  
10:31AM 24 TO REVIEW THAT WITNESS LIST. I KNOW IT'S SEVERAL COLUMNS.  
10:31AM 25 PLEASE REVIEW THAT NOW. I'M GOING TO ASK YOU QUESTIONS ABOUT



10:31AM 1 THAT LIST IN A MOMENT, PARTICULARLY WHETHER OR NOT YOU KNOW OR  
10:31AM 2 YOU'RE FAMILIAR WITH ANYONE ON THAT WITNESS LIST.

10:32AM 3 (PAUSE IN PROCEEDINGS.)

10:32AM 4 PROSPECTIVE JUROR: I DON'T HAVE THE LIST.

10:32AM 5 THE COURT: OH, A JUROR DOES NOT HAVE THE LIST. I  
10:32AM 6 APOLOGIZE. THAT'S JUROR 124.

10:32AM 7 PROSPECTIVE JUROR: YES.

10:32AM 8 THE COURT: RIGHT HERE, 124.

10:32AM 9 (PAUSE IN PROCEEDINGS.)

10:32AM 10 THE COURT: NOW, LADIES AND GENTLEMEN, YOU SHOULD  
10:32AM 11 NOTE THAT THE PARTIES ARE NOT REQUIRED AND MIGHT NOT WISH TO  
10:32AM 12 CALL ALL OF THESE WITNESSES, AND THEY MAY LATER FIND IT  
10:32AM 13 NECESSARY TO CALL OTHER WITNESSES.

10:32AM 14 IT MAY OCCUR THAT THE PARTIES STIPULATE TO A WITNESS'S  
10:32AM 15 TESTIMONY OR AN EXHIBIT. THIS MEANS THAT THE PARTIES AGREE  
10:33AM 16 THAT THE STATEMENT OR EXHIBIT MAY BE INTRODUCED INTO EVIDENCE.

10:33AM 17 AFTER YOU HAVE HEARD ALL OF THE EVIDENCE AND AFTER THE  
10:33AM 18 ATTORNEYS HAVE GIVEN THEIR FINAL ARGUMENTS, I WILL THEN  
10:33AM 19 INSTRUCT YOU ON THE LAW THAT APPLIES TO THIS CASE.

10:33AM 20 AFTER YOU'VE HEARD THE ARGUMENTS AND INSTRUCTIONS, YOU  
10:33AM 21 WILL THEN RETIRE TO THE JURY ROOM TO DELIBERATE THE MERITS OF  
10:33AM 22 THE CASE AND THEN TO RETURN WITH YOUR FINDINGS.

10:33AM 23 NOW, LADIES AND GENTLEMEN, JURY SERVICE IS AN OBLIGATION.  
10:33AM 24 I REALIZE IT MAY BE INCONVENIENT, BUT I WOULD HOPE YOU ALSO  
10:33AM 25 VIEW JURY SERVICE AS A PRIVILEGE TO SERVE YOUR COMMUNITY AND TO

1 PARTICIPATE IN YOUR SYSTEM OF JUSTICE.

2 WE ALL KNOW AND WE'RE SENSITIVE TO THE FACT THAT NONE OF  
3 YOU ARE HERE BECAUSE YOU HAVE NOTHING ELSE TO DO WITH YOUR  
4 TIME, OR THAT YOU PERHAPS VOLUNTEERED FOR JURY SERVICE OUT OF  
5 THE GOODNESS OF YOUR HEARTS.

6 WE RECOGNIZE THAT JURY SERVICE IS AN IMPOSITION ON EACH OF  
7 YOU. THIS SERVICE TAKES YOU FROM THOSE WHO NEED AND RELY ON  
8 YOU AT YOUR HOMES AND AT YOUR WORKPLACES.

9 FOR MANY OF US WORKING IN THE JUSTICE SYSTEM, TRYING TO  
10 IMPROVE ON THE QUALITY OF JUSTICE WHILE MAINTAINING FAIRNESS  
11 ACROSS THE BOARD IS A CHALLENGE. IT IS A CHALLENGE TO DELIVER  
12 ON THE PROMISE OF A JURY OF ONE'S PEERS, A TRUE CROSS-SECTION  
13 OF OUR COMMUNITY. WE HAVE THIS PROMISE AND WE MAKE THIS  
14 PROMISE TO EVERYONE WHO ENTERS OUR COURTS. IT'S A PROMISE THAT  
15 WE ENDEAVOR TO FULFILL AS WE RECOGNIZE WE OURSELVES WOULD RELY  
16 ON THAT PROMISE IF WE WERE EVER TO COME INTO THE JUSTICE SYSTEM  
17 AS A PARTY.

18 OUR CONSTITUTION GUARANTEES THE RIGHT TO A JURY TRIAL, AND  
19 THAT IS THE BASIS FOR ALL OF OUR OBLIGATIONS, YOURS, AS WELL AS  
20 MINE, TO SERVE AS JURORS.

21 AND I SHOULD LET YOU KNOW, JUDGES ARE ALSO SUMMONED TO  
22 JURY SERVICE. I'VE BEEN SUMMONED SEVERAL TIMES IN MY  
23 COMMUNITY. I MUST CONFESS, FOR REASONS THAT I CANNOT TELL YOU,  
24 I'VE NEVER BEEN SELECTED TO SERVE AS A JUROR REGRETTABLY, BUT I  
25 LOOK FORWARD TO THAT TIME HAPPENING.

1 NOW, LADIES AND GENTLEMEN, IT IS PERHAPS MORE SIGNIFICANT  
2 NOW TO PARTICIPATE IN YOUR SERVICE SO OUR COMMUNITY, COUNTRY,  
3 AND EVEN THE WORLD CAN OBSERVE THAT EVEN DURING THE CHALLENGE  
4 OF A PANDEMIC AND A WORLD CONFLICT, OUR COURTS ARE OPEN AND OUR  
5 SYSTEM OF JUSTICE ENDURES.

6 NOW, I WANT TO TAKE A MOMENT TO SHARE WITH YOU SOME  
7 INFORMATION REGARDING COVID PROTOCOLS.

8 AT ALL TIMES WE WILL STRIVE TO ENSURE YOUR PROTECTION,  
9 SAFETY, AND YOUR GOOD HEALTH.

10 AS YOU CAN SEE, WE WILL ENGAGE DISTANCING AND FACE MASKS  
11 IN OUR COURT.

12 IF YOU ARE VACCINATED, OUR MEDICAL INFORMATION INFORMS  
13 THAT THAT FACT, THE FACT OF YOUR VACCINATION, SIGNIFICANTLY  
14 ENHANCES YOUR SAFETY.

15 PARTIES IN COURT WILL WEAR MASKS. WITNESSES, DEPENDING ON  
16 THEIR HEALTH AND VACCINATION STATUS, MAY BE PERMITTED TO REMOVE  
17 THEIR MASKS OR WEAR A PROTECTIVE PLASTIC CLEAR FACE SHIELD  
18 WHILE TESTIFYING.

19 COUNSEL MAY REMOVE THEIR MASK AT THE LECTERNS WHEN THEY'RE  
20 EXAMINING WITNESSES.

21 NOW, I SHOULD TELL YOU, COUNSEL HAVE PERMITTED ME TO  
22 INFORM AND LET YOU KNOW THAT ALL OF THEIR TEAMS ON BOTH SIDES  
23 ARE FULLY VACCINATED, AND BY THAT I MEAN THEY ALSO HAVE BOOSTER  
24 SHOT.

25 AND I SHOULD LET YOU KNOW ALL OF MY TEAM, OUR COURT STAFF

10:37AM 1 HERE, HAVE ALSO -- WE'RE ALL FULLY VACCINATED AND HAVE HAD OUR  
10:37AM 2 BOOSTER SHOT.

10:37AM 3 WE WILL HAVE AIR PURIFIERS AT THE WITNESS STAND. THERE'S  
10:37AM 4 ONE UNDER THE WITNESS STAND HERE THAT IS OPERATIONAL, AND WE'LL  
10:37AM 5 HAVE WITNESS -- EXCUSE ME -- THE AIR PURIFIERS AT COUNSEL TABLE  
10:37AM 6 AS WELL.

10:37AM 7 WE MAY BE ABLE TO PROVIDE A PURIFIER NEAR THE JURY BOX IF  
10:37AM 8 THERE'S A REQUEST FOR THAT, AND WE CAN DO THAT IF IT'S  
10:37AM 9 NECESSARY.

10:37AM 10 YOU SEE THE PLASTIC SHIELDS THAT WE HAVE PLACED, AND I  
10:37AM 11 ANTICIPATE WE'LL KEEP THOSE IN PLACE FOR THE DURATION OF THE  
10:37AM 12 TRIAL.

10:37AM 13 IF AT ANY TIME A JUROR HAS DIFFICULTY EITHER HEARING OR  
10:37AM 14 SEEING OR OBSERVING THROUGH THESE PLASTIC SHIELDS, THAT JUROR  
10:37AM 15 SHOULD RAISE THEIR HAND AND LET ME KNOW SO WE CAN ATTEND TO  
10:37AM 16 THAT ISSUE.

10:37AM 17 I'D LIKE TO TELL YOU A LITTLE BIT ABOUT OUR BUILDING.  
10:37AM 18 THIS COURTHOUSE IS OLD. I THINK IT WAS BUILT IN THE '70S,  
10:38AM 19 SOMETHING LIKE THAT. ASIDE FROM THE, I THINK IT'S CALLED  
10:38AM 20 BRUTALIST ARCHITECTURE, THAT WAS EN VOGUE THEN. IT'S PROBABLY  
10:38AM 21 NOT AS ATTRACTIVE AS OTHER COURTHOUSES THAT YOU'VE HAD THE  
10:38AM 22 PRIVILEGE OF ATTENDING OR BEING IN.

10:38AM 23 I SHOULD TELL YOU, ABOUT 25 YEARS AGO WE WERE SCHEDULED TO  
10:38AM 24 BUILD A NEW COURTHOUSE IN SAN JOSE. CONGRESS GAVE US  
10:38AM 25 \$10 MILLION FOR SITE ACQUISITION, THAT IS, TO BUY PROPERTY THAT

10:38AM 1 WE CAN BUILD THE COURTHOUSE ON, AND SO WE, THE COURT, RECEIVED  
10:38AM 2 THAT \$10 MILLION AND THEN BEGAN THE SEARCH FOR PROPERTY WHERE  
10:38AM 3 WE COULD BUILD A NEW COURTHOUSE.

10:38AM 4 WELL, CONGRESS THEN CHANGED THEIR MIND AND THEY SAID,  
10:38AM 5 WELL, SAN JOSE, WE'RE NOT GOING TO GIVE YOU A NEW COURTHOUSE  
10:38AM 6 JUST YET, BUT YOU CAN KEEP THE \$10 MILLION. SO THAT WAS GREAT.

10:38AM 7 SO WE THOUGHT THEN, GREAT, WE CAN UPDATE OUR COURTHOUSE,  
10:39AM 8 AND THE GENERAL SERVICE ADMINISTRATION SAID, YEAH, OF COURSE  
10:39AM 9 YOU CAN USE THAT MONEY TO UPDATE AND IMPROVE THE APPEARANCE OF  
10:39AM 10 THE COURTHOUSE.

10:39AM 11 AND I WANT TO TELL YOU, ABOUT 7.9 MILLION OF THAT  
10:39AM 12 \$10 MILLION WAS SPENT ON OUR HVAC SYSTEM. WE CAN'T SEE IT.  
10:39AM 13 IT'S ON TOP OF THE ROOF HERE.

10:39AM 14 SO WE DIDN'T BENEFIT FROM ESTHETIC PLEASING REMEDIATIONS  
10:39AM 15 OF THE COURTHOUSE, BUT WE DID BENEFIT FROM A NEW HVAC SYSTEM.  
10:39AM 16 AND IT WAS TIMELY, WASN'T IT?

10:39AM 17 I SHOULD TELL YOU, THIS HVAC SYSTEM IS ABOUT FOUR OR FIVE  
10:39AM 18 YEARS NEW. WE'VE UPGRADED OUR SYSTEM TO MERV 14 FILTRATION.  
10:39AM 19 THE CURRENT GUIDANCE IS A MERV 13.

10:39AM 20 OUR SYSTEM IS ALSO EFFECTIVE AGAINST OTHER POLLUTANTS THAT  
10:40AM 21 MAY BE IN THE AREA. AND YOU REMEMBER THE FIRES THAT WE HAD IN  
10:40AM 22 THE SUMMER. INDIVIDUALS IN OUR COURTROOM WERE PROTECTED FROM  
10:40AM 23 ALL OF THAT SMOKE THAT WAS IN OUR COMMUNITIES AT THAT TIME, SO  
10:40AM 24 IT'S A WONDERFUL SYSTEM.

10:40AM 25 I AM INFORMED THAT THE AIR CIRCULATION IN THIS COURTROOM

10:40AM 1 CIRCULATES AT WHAT IS CALLED ACH 6.3, WHICH IS AIR CHANGES PER  
10:40AM 2 HOUR, AND WHAT THIS MEANS IS THAT THE AIR IN THIS COURTROOM IS  
10:40AM 3 COMPLETELY CIRCULATED EVERY TEN MINUTES. SO IT'S A GOOD  
10:40AM 4 SYSTEM. \$7 MILLION WAS WELL SPENT.

10:40AM 5 WE HAD SOME OTHER MONIES THAT WE SPENT TO IMPROVE THE LOOK  
10:40AM 6 OF OUR COURTHOUSE. I HOPE YOU ENJOYED THE LOBBY WHEN YOU CAME  
10:40AM 7 IN AND SAW THAT.

10:40AM 8 WE'RE DOING THESE OTHER THINGS. THESE MURALS THAT YOU SEE  
10:40AM 9 IN OUR COURTHOUSE ARE COMING UP, TOO. SO WE'RE TRYING TO DO  
10:40AM 10 THE BEST THAT WE CAN.

10:40AM 11 NOW, OUR SYSTEM RUNS ABOUT TWO HOURS BEFORE COURT AND  
10:40AM 12 AFTER COURT, AFTER WE CLOSE OUR BUILDING AND BEFORE WE OPEN,  
10:41AM 13 AND WE DO THIS FOR ADDED VENTILATION.

10:41AM 14 THE GENERAL SERVICE ADMINISTRATION HAS ALSO ADOPTED  
10:41AM 15 CLEANING GUIDELINES FROM THE CENTER FOR DISEASE CONTROL, THE  
10:41AM 16 CDC, AND THESE STANDARDS INCLUDE ROUTINE CLEANING AND  
10:41AM 17 DISINFECTION OF HIGH TOUCH SURFACES AND COMMON AND HIGH TRAFFIC  
10:41AM 18 AREAS.

10:41AM 19 WE HAVE FACE MASKS AND SANITIZER TO PROVIDE YOU AS NEEDED.

10:41AM 20 AND I SHOULD TELL YOU WE ALSO HAVE AVAILABLE TO US -- THIS  
10:41AM 21 IS NEW, THIS IS JUST RECENT -- WE HAVE AVAILABLE TO ANY JUROR  
10:41AM 22 COVID TESTS. WE HAVE THE KITS AVAILABLE SHOULD A JUROR DURING  
10:41AM 23 THEIR SERVICE OR AT ANY TIME FEEL THAT THEY WOULD LIKE TO OR  
10:41AM 24 FEEL THE NEED TO BE TESTED FOR THEIR PROTECTION, AS WELL AS THE  
10:41AM 25 PROBATION OF OTHERS IN THE COURTROOM, WE CAN AND WE HAVE THOSE

1 TESTS AVAILABLE FOR YOU.

2 I SHOULD TELL YOU THAT THEY WERE BROUGHT TO OUR COURT  
3 TODAY. THEY WERE BROUGHT TO OUR COURT TODAY. WE HAVE THEM AND  
4 THEY'RE AVAILABLE FOR YOU SHOULD THAT EVER BECOME A NEED DURING  
5 THE COURT OF THE TRIAL.

6 THE JURY ROOM THAT YOU WILL USE WILL BE AN ENTIRE  
7 COURTROOM AND IT WILL BE JUST ON THE OTHER SIDE OF THIS WALL.  
8 WE HAVE CLEARED A COURTROOM IN ITS ENTIRETY FOR THE JURY TO USE  
9 FOR THEIR DELIBERATIONS AND MEETINGS AND BREAKS. YOU WILL BE  
10 ABLE TO SPACE YOURSELVES OUT IN THAT COURTROOM AS YOU NEED. SO  
11 YOU'LL HAVE THE ENTIRETY OF A COURTROOM.

12 IT'S NOT QUITE AS LARGE AS THIS, BUT IT IS LARGE. IT'S A  
13 LARGER ROOM OTHER THAN OUR SMALLER DELIBERATION ROOM.

14 WE ALSO ANTICIPATE, AND I SHOULD TELL YOU THIS, THAT OUR  
15 COURT BUDGET WILL PERMIT, AND WE DO PROVIDE, A LIGHT BREAKFAST  
16 FOR OUR JURORS DURING THE WEEK. WE HAVE A GOOD VENDOR. I'M  
17 INFORMED THE BAGELS ARE TERRIFIC AND THE SALAD IS TERRIFIC AND  
18 THE PARFAIT IS TERRIFIC. I TELL YOU THIS JUST TO OFFER YOU  
19 SOME OTHER INCENTIVE FOR YOUR SERVICE IN THIS TRIAL.

20 NOW, IF YOU HAVE ANY QUESTION OR ISSUE REGARDING YOUR  
21 SAFETY OR COURT CONDITIONS DURING YOUR TIME HERE, YOU SHOULD  
22 CONTACT MY COURTROOM DEPUTY, MS. ROBINSON, OR ANY OF OUR STAFF.

23 NOW, LET ME ASK ANOTHER QUESTION. IS THERE ANY MEMBER OF  
24 THE PANEL WHO HAS ANY SPECIAL DISABILITY OR PROBLEM THAT WOULD  
25 MAKE SERVING AS A MEMBER OF THIS JURY DIFFICULT OR IMPOSSIBLE?

10:43AM 1 NOW, LET ME SAY, WE HAVE ASSISTED LISTENING DEVICES  
10:43AM 2 AVAILABLE. IF SOMEONE NEEDS OR WOULD LIKE A DEVICE TO ASSIST  
10:43AM 3 YOU, THIS IS THE ASSISTED LISTENING DEVICE, WOULD YOU PLEASE  
10:44AM 4 RAISE YOUR HAND NOW AND WE'LL GET ONE OUT TO YOU.

10:44AM 5 I SEE NO HANDS. THANK YOU.

10:44AM 6 THERE MAY BE OTHER INDIVIDUALS THAT HAVE OTHER HEALTH  
10:44AM 7 ISSUES, BACK ISSUES, SEATING ISSUES, THAT WOULD BENEFIT FROM  
10:44AM 8 ASSISTED CUSHIONS, PILLOWS, OR OTHER RELIEF. WE MAY BE ABLE TO  
10:44AM 9 PROVIDE THOSE FOR YOU, TOO.

10:44AM 10 IS THERE ANYONE WHO WANTS TO IDENTIFY SUCH A CONDITION TO  
10:44AM 11 ME NOW, A BACK ISSUE, ANY TYPE OF ISSUE THAT MIGHT CREATE A  
10:44AM 12 PROBLEM?

10:44AM 13 I SEE A HAND IN THE BACK.

10:44AM 14 WE'LL TAKE A MICROPHONE BACK TO YOU, MA'AM.

10:44AM 15 IF YOU COULD IDENTIFY YOUR JUROR NUMBER.

10:44AM 16 LET ME SAY, LADIES AND GENTLEMEN, I'M GOING TO IDENTIFY  
10:44AM 17 YOU BY YOUR JUROR NUMBER. IF YOU'RE CALLED ON, WHAT I WOULD  
10:45AM 18 ASK YOU TO DO IS TO SAY YOUR NUMBER BEFORE YOU SPEAK SO OUR  
10:45AM 19 COURT REPORTER CAN ACCURATELY REPORT THAT.

10:45AM 20 I MEAN NO DISRESPECT TO YOU, BUT IT'S JUST A CONVENIENCE  
10:45AM 21 THAT WE DO FOR THIS PURPOSE.

10:45AM 22 YES, MA'AM, MAY I KNOW YOUR JUROR NUMBER?

10:45AM 23 PROSPECTIVE JUROR: 176.

10:45AM 24 THE COURT: YES. AND WHAT WOULD YOU LIKE ME TO  
10:45AM 25 KNOW?



10:45AM 1 PROSPECTIVE JUROR: SO I HAVE AN ISSUE WITH MY LEG  
10:45AM 2 AND BACK THAT I'VE HAD FOR FOUR MONTHS AND I'M UNDER THE CARE  
10:45AM 3 OF MY DOCTOR. I'M NOT ABLE TO SIT.

10:45AM 4 I WORK AS A SCHOOL SECRETARY. I DO STAND FOR TEN HOURS,  
10:45AM 5 AND I'M NOT ABLE TO SIT AT ALL, AND IF I AM, I'M ALWAYS MOVING  
10:45AM 6 AROUND.

10:45AM 7 I DON'T WANT TO ACT LIKE AN ADH CHILD OR SOMEONE WHO KEEPS  
10:45AM 8 FIDGETING, BUT I DO HAVE TO BE MOVING AROUND. IT'S LIKE MY LEG  
10:45AM 9 FALLS ASLEEP.

10:45AM 10 AND IT'S BEEN GOING ON FOR THREE MONTHS, AND I'M UNDER THE  
10:45AM 11 CARE OF A DOCTOR.

10:45AM 12 SO IF I WAS ABLE TO SIT, I WOULD HAVE TO -- IF YOU DON'T  
10:45AM 13 MIND THAT AND IT'S NOT A DISRUPTION, I WOULD LIKE YOU TO KNOW  
10:46AM 14 THAT. BUT I NEED TO MOVE AND BE STANDING AROUND.

10:46AM 15 THE COURT: THANK YOU FOR THAT.

10:46AM 16 SO AT WORK YOU USE A STANDING DESK, I THINK THEY'RE  
10:46AM 17 CALLED?

10:46AM 18 PROSPECTIVE JUROR: I HAVE A STANDING DESK, AND  
10:46AM 19 BECAUSE I WORK AT THE SCHOOL, I'M ALWAYS ON THE MOVE. I'M  
10:46AM 20 ALWAYS MOVING.

10:46AM 21 AND WHEN I GET HOME I ACTUALLY HAVE TO SIT WITH MY LEG UP.

10:46AM 22 THE COURT: RIGHT. SO TELL US, WHAT GRADES OF --

10:46AM 23 PROSPECTIVE JUROR: I'M ACTUALLY A SECRETARY AT AN  
10:46AM 24 ELEMENTARY SCHOOL FROM KINDER THROUGH 6, AND SO I'VE BEEN  
10:46AM 25 WORKING THERE FOR 20 YEARS.

10:46AM 1 THE COURT: I SEE. AND THE CHILDREN REQUIRE  
10:46AM 2 EDUCATORS TO MOVE ABOUT A BIT, I TAKE IT.

10:46AM 3 PROSPECTIVE JUROR: YES. I'M IN THE OFFICE, SO I  
10:46AM 4 ACTUALLY SEE THEM COMING IN AND OUT.

10:46AM 5 THE COURT: ALL RIGHT. THANK YOU.

10:46AM 6 SO THE DURATION OF THIS TRIAL IS 13 WEEKS APPROXIMATELY,  
10:46AM 7 AND REGRETTABLY, WE DON'T HAVE STANDING DESKS YET FOR OUR -- IN  
10:46AM 8 OUR JURY BOX. BUT MAYBE THAT'S A WISH LIST ITEM WE COULD LOOK  
10:46AM 9 AT.

10:46AM 10 LET ME ASK THESE LAWYERS IF THEY HAVE ANY QUESTIONS FOR  
10:46AM 11 YOU.

10:46AM 12 MR. SCHENK?

10:46AM 13 MR. SCHENK: NOTHING FURTHER, YOUR HONOR. THANK  
10:47AM 14 YOU.

10:47AM 15 MR. COOPERSMITH: NO, YOUR HONOR.

10:47AM 16 THE COURT: THANK YOU VERY MUCH FOR LETTING US KNOW  
10:47AM 17 THAT.

10:47AM 18 PROSPECTIVE JUROR: THANK YOU SO MUCH.

10:47AM 19 THE COURT: YOU'RE WELCOME.

10:47AM 20 WAS THERE ANOTHER HAND?

10:47AM 21 YES, I SEE A HAND THERE.

10:47AM 22 PROSPECTIVE JUROR: I'M OKAY TODAY, BUT --

10:47AM 23 THE COURT: PARDON ME. ARE YOU JUROR 119?

10:47AM 24 PROSPECTIVE JUROR: 119, YES.

10:47AM 25 THE COURT: YES.

10:47AM 1 PROSPECTIVE JUROR: I'M OKAY TODAY, BUT I JUST  
10:47AM 2 WANTED TO POINT OUT THAT I'LL BE 31 WEEKS PREGNANT BY THE END  
10:47AM 3 OF THIS JURY. SO I CAN SIT TODAY, BUT I CAN'T SAY THAT FOR THE  
10:47AM 4 DURATION OF THE ENTIRE TRIAL.

10:47AM 5 THE COURT: I SEE. AND YOU KNOW OUR SCHEDULE IS  
10:47AM 6 APPROXIMATELY THREE DAYS A WEEK. IT MIGHT CHANGE.

10:47AM 7 DOES THAT CAUSE YOU SOME --

10:47AM 8 PROSPECTIVE JUROR: I WOULD HAVE TO SCHEDULE MY  
10:47AM 9 DOCTOR'S APPOINTMENTS I GUESS AROUND THE SCHEDULE OF THE TRIAL.

10:47AM 10 THE COURT: OKAY. OKAY.

10:47AM 11 IS THERE ANYTHING ABOUT THE NATURE OF THE TRIAL AND YOUR  
10:48AM 12 SERVICE AS A JUROR THAT YOU HAVE A CONCERN ABOUT?

10:48AM 13 PROSPECTIVE JUROR: I GUESS I WOULD HOPE THAT I  
10:48AM 14 WOULDN'T CAUSE STRESS ON MYSELF WHICH WOULD AFFECT ANYTHING IN  
10:48AM 15 MY PREGNANCY, BUT --

10:48AM 16 THE COURT: RIGHT. HAVE YOU TALKED TO YOUR  
10:48AM 17 PHYSICIAN AND EXPLAINED TO HER WHAT JURY SERVICE MIGHT BE?

10:48AM 18 PROSPECTIVE JUROR: I'VE EMAILED HER. I EMAILED HER  
10:48AM 19 YESTERDAY WHEN I WAS ASKED TO COME BACK TODAY.

10:48AM 20 THE COURT: OH. AND YOU HAVE NOT HEARD BACK FROM --

10:48AM 21 PROSPECTIVE JUROR: NO, I HAVE NOT.

10:48AM 22 THE COURT: OKAY. THANK YOU. THANK YOU FOR LETTING  
10:48AM 23 US KNOW.

10:48AM 24 YES?

10:48AM 25 PROSPECTIVE JUROR: 135.

10:48AM 1 THE COURT: 135, YES. THANK YOU.

10:48AM 2 PROSPECTIVE JUROR: I'VE BEEN RECENTLY DIAGNOSED  
10:48AM 3 WITH AN OVERACTIVE THYROID GLAND AND THE CHEMICALS ARE  
10:48AM 4 ATTACKING MY JOINTS, MY KNEES, MY SHOULDER, MY HANDS.

10:49AM 5 I'M SCHEDULED FOR A BIOPSY IN THE UPCOMING WEEK TO SEE IF  
10:49AM 6 IT'S MALIGNANT OR BENIGN, SO I SEE SURGERY IN MY FUTURE.

10:49AM 7 THE COURT: OKAY. THANK YOU. THANK YOU VERY MUCH.  
10:49AM 8 ALL RIGHT. THANK YOU.

10:49AM 9 ANYONE ELSE IN RESPONSE TO THAT QUESTION?

10:49AM 10 YES, IN THE BACK I SEE A HAND.

10:49AM 11 PROSPECTIVE JUROR: I'M NUMBER 181.

10:49AM 12 I ALSO HAVE A LOWER BACK PROBLEM. MY LEGS START TO GO  
10:49AM 13 NUMB IF I STAND FOR ABOUT 20 MINUTES OR MORE. I'M USUALLY OKAY  
10:50AM 14 SITTING DOWN, BUT SOMETIMES MY LEGS GO NUMB AND I JUST NEED TO  
10:50AM 15 MOVE POSITIONS.

10:50AM 16 BUT OTHER THAN THAT, IT'S OKAY.

10:50AM 17 THE COURT: OKAY. DO CUSHIONS OR PILLOWS SOMETIMES  
10:50AM 18 ASSIST?

10:50AM 19 PROSPECTIVE JUROR: SOMETIMES STANDING UP, SOMETIMES  
10:50AM 20 LAYING DOWN. IT'S JUST DIFFERENT.

10:50AM 21 THE COURT: I SEE.

10:50AM 22 PROSPECTIVE JUROR: I WORK FROM HOME, SO I CAN DO  
10:50AM 23 WHATEVER I NEED TO DO.

10:50AM 24 THE COURT: RIGHT.

10:50AM 25 PROSPECTIVE JUROR: YEAH, BUT SITTING DOWN FOR

1 EXTENDED PERIODS MIGHT BECOME AN ISSUE.

2 THE COURT: OKAY. THANK YOU FOR THAT.

3 LET ME TELL YOU -- AND RIGHT NOW YOU'RE SEATED IN THE HARD  
4 PEWS, HARD WOOD PEWS. THEY'RE NOT AS COMFORTABLE AS THESE  
5 LUXURIOUS SEATS OVER HERE WHERE YOUR COLLEAGUES ARE SITTING.  
6 SO THAT MIGHT MAKE A DIFFERENCE.

7 I SHOULD TELL YOU THAT WE HAVE HAD JURORS THAT HAVE A  
8 SIMILAR ISSUE THAT NEED TO STAND OR STRETCH, AND WHAT WE HAVE  
9 BEEN ABLE TO DO IN THE PAST IS TO HAVE THAT JUROR SEATED AT THE  
10 END, OR SEATED IN A WAY SUCH THAT THEY CAN STAND AND STRETCH.

11 AND WE LET THE PARTIES KNOW OF THIS IN ADVANCE, AND THE  
12 INDIVIDUAL IS ABLE TO STAND AND STRETCH, OR WE CAN TAKE BREAKS,  
13 TOO, AS NEEDED.

14 BUT THAT SEEMED TO WORK IN PAST TRIALS THAT I'VE HAD. I  
15 JUST WANT TO LET YOU KNOW THAT.

16 PROSPECTIVE JUROR: YEAH, THAT SEEMS LIKE IT WOULD  
17 BE OKAY. YES.

18 THE COURT: ALL RIGHT. THANK YOU VERY MUCH, SIR.  
19 THANK YOU.

20 ALL RIGHT. I SEE NO OTHER HANDS. THANK YOU.

21 LADIES AND GENTLEMEN, WE NOW COME TO THAT PORTION OF THE  
22 TRIAL WHERE I WILL ASK YOU SOME QUESTIONS REGARDING YOUR  
23 QUALIFICATIONS TO SERVE AS JURORS IN THIS CASE.

24 THE LAWYERS WILL ALSO HAVE THE OPPORTUNITY TO ASK YOU SOME  
25 QUESTIONS.

1 THIS PROCESS IS VERY IMPORTANT BECAUSE THE PARTIES AND THE  
2 COURT WANT FAIR AND IMPARTIAL JURORS WHO ARE FREE OF ANY  
3 PRECONCEIVED IDEA, BELIEF, ATTITUDE, BIAS OR PREJUDICE ABOUT  
4 THE OFFENSES CHARGED, OR THE ACCUSED, AND JURORS WHO WILL  
5 DECIDE THIS CASE ONLY AFTER HAVING HEARD ALL OF THE EVIDENCE,  
6 THE ARGUMENTS OF COUNSEL, THE LAW AS GIVEN TO YOU BY THE COURT,  
7 AND THEN ONLY AFTER HAVING DELIBERATED WITH YOUR FELLOW JURORS.

8 BY THE OATH THAT YOU HAVE TAKEN, YOU ARE OBLIGATED TO  
9 ANSWER ALL OF THESE QUESTIONS TRUTHFULLY AND COMPLETELY.

10 YOU WILL HELP THIS PROCESS BY VOLUNTEERING INFORMATION  
11 ABOUT YOUR EXPERIENCES, FEELINGS, OR BIASES, IF ANY, EVEN  
12 THOUGH YOU BELIEVE YOU CAN PUT THESE FEELINGS, EXPERIENCES,  
13 BIASES ASIDE AND SIT AS A FAIR AND IMPARTIAL JUROR IN THIS  
14 CASE.

15 NOW, LET ME SAY, IF YOU ARE SENSITIVE ABOUT ANSWERING ANY  
16 QUESTION, YOU SHOULD PLEASE LET ME KNOW AND WE CAN DISCUSS THE  
17 MATTER PRIVATELY WITH COUNSEL.

18 THIS PROCESS SEEKS TO IDENTIFY ANY ISSUE, INCLUDING THOSE  
19 THAT MIGHT BE CONTROVERSIAL, THAT RAISE AN ISSUE OF BIAS OR  
20 INABILITY TO BE FAIR OR IMPARTIAL.

21 NOW, IF ANY JUROR DURING THIS PROCESS FEELS THAT DURING  
22 THE COURSE OF THE DISCUSSION AN ISSUE ARISES THAT YOU WOULD  
23 LIKE TO OR YOU THINK IT MIGHT BE BETTER TO SPEAK IN PRIVATE  
24 WITH THE COURT AND COUNSEL, PLEASE LET ME KNOW, AND DON'T BE  
25 SHY ABOUT LETTING ME KNOW THAT.

1 WE'VE ARRANGED PROTOCOLS TO ACCOMPLISH THAT.

2 SO PLEASE LET ME KNOW IF AT ANY TIME DURING OUR  
3 CONVERSATION OR YOUR CONVERSATION WITH THE LAWYERS, IF YOU  
4 WOULD LIKE TO SPEAK PRIVATELY ABOUT SOMETHING, WE CAN DO THAT,  
5 PLEASE.

6 IT IS IMPORTANT THAT YOU EXPRESS ISSUES WITH THE PARTIES.  
7 AS I SAID, WE CAN MEET PRIVATELY.

8 WE DO WANT TO ALLOW JURORS TO BE FRANK AND OPEN, BUT WE  
9 ALSO WANT TO, AND I WANT TO, BE CAREFUL TO NOT ALLOW ANYTHING  
10 THAT IS SAID TO NEGATIVELY INFLUENCE OR OTHERWISE AFFECT ANY  
11 OTHER JUROR.

12 THIS IS IMPORTANT BECAUSE WE WANT TO HEAR YOUR CANDID  
13 THOUGHTS ON TOPICS, AND IT'S IMPORTANT THAT THOSE EXPRESSIONS,  
14 WHILE HEARTFELT AND SINCERE, DO NOT TAINT OR OTHERWISE  
15 NEGATIVELY IMPACT THE OPINIONS OR FAIRNESS OF OTHER PROSPECTIVE  
16 JURORS.

17 SO IF YOU FEEL YOU'RE GOING TO SAY SOMETHING THAT, WELL,  
18 THIS COULD AFFECT SOMEBODY ELSE, I'LL ASK YOU TO THINK ABOUT  
19 THAT. IF YOU WANT TO TALK PRIVATELY ABOUT THAT, WE CAN DO  
20 THAT.

21 IT MAY BE DURING THE COURSE OF OUR CONVERSATION I MAY ASK  
22 YOU -- I MAY INTERRUPT YOU AND SAY, YOU KNOW, THIS IS SOMETHING  
23 THAT I WOULD LIKE TO TALK WITH YOU ABOUT A LITTLE LATER, AND I  
24 MEAN NO DISRESPECT, BUT I JUST WANT TO MAINTAIN THAT PROTOCOL  
25 FOR THE BENEFIT OF EVERYONE HERE AND YOUR COLLEAGUES.

1 NOW, IN SELECTING A JURY, EACH SIDE IS PERMITTED A CERTAIN  
2 NUMBER OF WHAT ARE CALLED PEREMPTORY CHALLENGES TO PROSPECTIVE  
3 JURORS. AN ATTORNEY MAY EXCUSE A POTENTIAL JUROR JUST BECAUSE  
4 IN THEIR OPINION THEY FEEL THAT THIS ISN'T THE RIGHT TRIAL FOR  
5 THAT JUROR.

6 CHALLENGES FOR CAUSE ARE CHALLENGES WHERE A PARTY OR THE  
7 COURT FEELS THAT A PROSPECTIVE JUROR CANNOT SIT ON A CASE  
8 BECAUSE OF A BIAS, INTEREST, OR OTHER INABILITY TO BE FAIR AND  
9 IMPARTIAL. I WILL DETERMINE IF JURORS SHOULD BE EXCUSED FOR  
10 CAUSE.

11 THE QUESTIONS OF THE COURT AND COUNSEL AND THE ANSWERS OF  
12 PROSPECTIVE JURORS ASSIST THE ATTORNEYS IN THEIR DECISIONS.

13 NOW, FOLLOWING MY QUESTIONS AND THOSE OF THE ATTORNEYS,  
14 THE LAWYERS WILL HAVE AN OPPORTUNITY TO MAKE DECISIONS AS TO  
15 ANY CHALLENGES THEY MAY HAVE. WE WILL TAKE THIS UP AFTER YOU  
16 AND I HAVE MET AND YOU WILL BE NOTIFIED BY THE COURT WHETHER  
17 AND WHEN YOU ARE TO RETURN TO COURT.

18 WE WILL ALSO SELECT SIX ALTERNATE JURORS WHO WILL SIT  
19 DURING THE TRIAL. AND SHOULD A MEMBER OF THE SEATED 12 JURORS  
20 BE UNABLE TO SIT AS A JUROR, THE ALTERNATE JUROR WILL REPLACE  
21 THAT SITTING JUROR AND WILL JOIN THE OTHER JURORS IN  
22 DELIBERATION AT THE CONCLUSION OF THE CASE.

23 IF THERE IS NO NEED FOR SUBSTITUTION OF A SITTING JUROR,  
24 THE ALTERNATE JURORS WILL NOT JOIN THE DELIBERATIONS OF THE  
25 SITTING JURORS AT THE CONCLUSION OF THE CASE, BUT YOU WILL BE



1 PERMITTED TO LEAVE THE COURT SUBJECT TO BEING RECALLED TO  
2 REPLACE A DELIBERATING SHOULD THAT NEED ARISE.

3 NOW, YOU HAVE COMPLETED THE QUESTIONNAIRES LAST WEEK, AND  
4 THESE HAVE BEEN VERY HELPFUL TO COUNSEL AND MYSELF IN  
5 PREPARATION FOR THIS PROCESS.

6 SOME OF THE QUESTIONS THAT I HAVE MAY BE REPETITIVE, AND  
7 SOME OF THEM ARE REPETITIVE OF QUESTIONS, THEY'RE VERY SIMILAR  
8 TO QUESTIONS THAT YOU ANSWERED IN THE QUESTIONNAIRE, AND I WILL  
9 HAVE SOME ADDITIONAL FOLLOW-UP QUESTIONS TO ASK YOU AS WELL.

10 I'M GOING TO ASK YOU ALL TO PAY ATTENTION, PLEASE LISTEN  
11 CAREFULLY TO MY QUESTIONS ASKED, AS WELL AS THE ANSWERS OF THE  
12 OTHER PROSPECTIVE JURORS. DOING SO MAY ASSIST YOU IN THINKING  
13 ABOUT WHAT YOUR RESPONSE MIGHT BE TO THE QUESTIONS.

14 NOW, LET ME ASK YOU, AND THIS IS FOR ALL OF YOU, DO ANY OF  
15 YOU KNOW THE ASSISTANT UNITED STATES ATTORNEYS PROSECUTING THIS  
16 CASE OR ANY DEFENSE COUNSEL OR ANY MEMBERS OF THEIR TEAMS?

17 ANYONE KNOW THESE LAWYERS OR ANY OF THEIR TEAMS?

18 I SEE NO HANDS.

19 HAVE ANY OF YOU HAD ANY BUSINESS DEALINGS WITH THE  
20 ATTORNEYS OR BEEN REPRESENTED BY THEM OR MEMBERS OF THEIR  
21 FIRMS?

22 YES, I SEE A HAND HERE. WE'LL GET A MICROPHONE TO YOU,  
23 SIR.

24 PROSPECTIVE JUROR: JUROR 113.

25 THE COURT: YES.

10:58AM 1 PROSPECTIVE JUROR: I'VE BEEN AN EXPERT WITNESS  
10:58AM 2 RETAINED. I WORKED AT DELOITTE & TOUCHE FOR A NUMBER OF YEARS  
10:58AM 3 AS A PARTNER IN THEIR FRAUD AND FORENSIC PRACTICE, AND I'VE  
10:58AM 4 PROVIDED LITIGATION SUPPORT AND INVESTIGATION SUPPORT TO THE  
10:58AM 5 DEFENDANT'S FIRM.

10:58AM 6 THE COURT: DO YOU KNOW, DO YOU KNOW ANY OF THE  
10:58AM 7 LAWYERS THERE?

10:58AM 8 PROSPECTIVE JUROR: I DO NOT. I LEFT DELOITTE BACK  
10:58AM 9 IN 2014, SO I HAVEN'T BEEN RETAINED BY THEM. RETENTION BY THAT  
10:58AM 10 FIRM WOULD HAVE BEEN PRIOR TO 2014.

10:58AM 11 THE COURT: OKAY. AND WHAT IS THE NAME OF THE FIRM?

10:58AM 12 PROSPECTIVE JUROR: ORRICK.

10:58AM 13 THE COURT: OKAY.

10:58AM 14 AND DID YOU KNOW, DID YOU KNOW THAT THESE LAWYERS -- HOW  
10:58AM 15 DID YOU KNOW THAT THEY WERE FROM THAT LAW FIRM?

10:58AM 16 PROSPECTIVE JUROR: I THINK IT WAS DISCLOSED IN WHAT  
10:58AM 17 I LEARNED HERE.

10:58AM 18 THE COURT: ALL RIGHT. IN THE QUESTIONNAIRE.

10:58AM 19 TELL US AGAIN, HOW LONG AGO WAS YOUR PREVIOUS EMPLOYMENT  
10:58AM 20 WITH THAT FIRM?

10:58AM 21 PROSPECTIVE JUROR: I WAS AT DELOITTE FROM 1993 TO  
10:59AM 22 2014, AND WE WORKED REGULARLY WITH ORRICK DURING THAT PERIOD OF  
10:59AM 23 TIME, AND I WAS A PARTNER IN 2007 UNTIL I LEFT THE FIRM IN  
10:59AM 24 2014.

10:59AM 25 THE COURT: I SEE. DID YOU DO WORK ON CIVIL CASES

10:59AM 1 AS WELL AS CRIMINAL CASES?

10:59AM 2 PROSPECTIVE JUROR: PRIMARILY CIVIL. AS A FORENSIC  
10:59AM 3 ACCOUNTANT, WE WOULD DO LARGE SCALE FRAUD INVESTIGATIONS AND  
10:59AM 4 DAMAGES CASES.

10:59AM 5 THE COURT: OKAY. AND WERE THOSE IN LITIGATION OR  
10:59AM 6 WERE THOSE INVESTIGATIONS OR INTERNAL INVESTIGATIONS OR BOTH?

10:59AM 7 PROSPECTIVE JUROR: BOTH.

10:59AM 8 THE COURT: AND YOU HAVE TESTIFIED IN COURT BEFORE?

10:59AM 9 PROSPECTIVE JUROR: I HAVE TESTIFIED, BUT NOT WITH  
10:59AM 10 ORRICK'S COUNSEL.

10:59AM 11 THE COURT: I SEE. OKAY.

10:59AM 12 HAVE YOU BEEN CROSS-EXAMINED BY THE ORRICK LAW FIRM?

10:59AM 13 PROSPECTIVE JUROR: NO.

10:59AM 14 THE COURT: REMIND ME AGAIN, WHEN WAS THE LAST TIME  
10:59AM 15 THAT YOU TESTIFIED AS AN EXPERT?

10:59AM 16 PROSPECTIVE JUROR: PROBABLY AROUND 20 -- 2012.

11:00AM 17 THE COURT: OKAY. AND WAS THAT FOR THE ORRICK FIRM?

11:00AM 18 PROSPECTIVE JUROR: IT WAS NOT.

11:00AM 19 THE COURT: AND YOU HAVE CONFIDENCE THAT YOU DO NOT  
11:00AM 20 KNOW ANY OF THESE LAWYERS?

11:00AM 21 PROSPECTIVE JUROR: I DO NOT KNOW ANY OF THOSE  
11:00AM 22 LAWYERS.

11:00AM 23 THE COURT: OKAY. AND DO YOU STILL HAVE CONTACT  
11:00AM 24 WITH INDIVIDUALS AT THE ORRICK LAW FIRM?

11:00AM 25 PROSPECTIVE JUROR: I HAVEN'T BEEN RETAINED BY

11:00AM 1 ANYBODY AT ORRICK FOR PROBABLY THE LAST SEVEN OR EIGHT YEARS.

11:00AM 2 THE COURT: ALL RIGHT.

11:00AM 3 AND DO YOU HAVE CONTACTS OR FRIENDSHIPS WITH ANYBODY AT  
11:00AM 4 THE FIRM?

11:00AM 5 PROSPECTIVE JUROR: I DO HAVE ONE OR TWO ATTORNEYS  
11:00AM 6 THAT I KNOW THROUGH BUSINESS, BUT I WOULDN'T CALL THEM PERSONAL  
11:00AM 7 FRIENDS.

11:00AM 8 THE COURT: OKAY. AND WHAT, WHAT OFFICE ARE THEY  
11:00AM 9 LOCATED IN? WHAT CITY?

11:00AM 10 PROSPECTIVE JUROR: IN SAN FRANCISCO.

11:00AM 11 THE COURT: I SEE. OKAY. THANK YOU.

11:00AM 12 IS THERE ANYTHING ABOUT YOUR FORMER EMPLOYMENT WITH  
11:00AM 13 ORRICK, BEING HIRED BY ORRICK, THAT YOU THINK WOULD IMPAIR YOUR  
11:00AM 14 ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES HERE?

11:00AM 15 PROSPECTIVE JUROR: NOPE.

11:00AM 16 THE COURT: OKAY. YOU'VE HEARD JUDGES TALK ABOUT  
11:00AM 17 THIS BEFORE WHEN YOU'VE TESTIFIED I PRESUME?

11:01AM 18 PROSPECTIVE JUROR: THAT'S CORRECT.

11:01AM 19 THE COURT: AND SO DO YOU THINK YOU HAVE FAMILIARITY  
11:01AM 20 WITH THE TRIAL PROCESS AND THE NEED TO HAVE JURORS WHO ARE FREE  
11:01AM 21 FROM ANY PRECONCEIVED BIAS?

11:01AM 22 PROSPECTIVE JUROR: OF COURSE, YEAH.

11:01AM 23 THE COURT: AND DO YOU THINK YOU COULD SIT AS A FAIR  
11:01AM 24 AND IMPARTIAL JUROR HERE IN THIS CASE?

11:01AM 25 PROSPECTIVE JUROR: YES.

11:01AM 1 THE COURT: IF THE EVIDENCE SO -- IF YOU FOUND THE  
11:01AM 2 EVIDENCE SUGGESTED THAT YOU SHOULD FIND FOR THE GOVERNMENT,  
11:01AM 3 COULD YOU DO THAT?

11:01AM 4 PROSPECTIVE JUROR: YES.

11:01AM 5 THE COURT: IF YOU FOUND THAT THE EVIDENCE SUGGESTED  
11:01AM 6 THAT YOU SHOULD FIND FOR THE DEFENSE, COULD YOU DO THAT?

11:01AM 7 PROSPECTIVE JUROR: YES.

11:01AM 8 THE COURT: AND COULD YOU DO BOTH OF THOSE THINGS  
11:01AM 9 WITH AN OPEN AND FAIR MIND?

11:01AM 10 PROSPECTIVE JUROR: YES.

11:01AM 11 THE COURT: OKAY. THANK YOU.

11:01AM 12 ANYONE ELSE IN RESPONSE TO THIS QUESTION? THIS IS A  
11:01AM 13 QUESTION REGARDING THE KNOWLEDGE OF THE PARTIES?

11:01AM 14 I SEE NO HANDS.

11:01AM 15 DO ANY OF YOU KNOW THE DEFENDANT MR. BALWANI? ANY OF YOU  
11:02AM 16 KNOW MR. BALWANI?

11:02AM 17 I SEE NO HANDS.

11:02AM 18 DO ANY OF YOU KNOW ANY OF THE WITNESSES THAT WERE ON THE  
11:02AM 19 LIST? I RECOGNIZE THAT'S A VERY EXTENSIVE LIST. ANYONE KNOW  
11:02AM 20 ANY OF THOSE WITNESSES?

11:02AM 21 I SEE A HAND IN THE FRONT.

11:02AM 22 PROSPECTIVE JUROR: I'M JUROR 126.

11:02AM 23 THE TWO NAMES THAT I RECOGNIZE, I'M NOT SURE IF THEY'RE  
11:02AM 24 THE EXACT PERSON, BUT I RECOGNIZE THE NAME.

11:02AM 25 BUT I RECOGNIZE THE NAME TERRY HUFF. THAT'S MY BEST

11:02AM 1 FRIEND'S DAD AND I GREW UP AROUND HIM AND I PERSONALLY KNOW  
11:02AM 2 HIM, BUT HE'S AN OB/GYN IN ARIZONA AND I HAVE NO IDEA IF THAT'S  
11:02AM 3 THE SAME PERSON.

11:02AM 4 AND ALSO CHRISTOPHER LUCAS. HE USED TO BE A PREVIOUS  
11:02AM 5 TEAMMATE OF MINE, AND HE'S ORIGINALLY FROM CANADA AND I DON'T  
11:02AM 6 KNOW WHAT PROVINCE. AND I THINK HE'S A LAWYER NOW.

11:03AM 7 BUT AGAIN, I'M NOT SURE IF THAT'S THE SAME PERSON.

11:03AM 8 THE COURT: OKAY. MR. LUCAS WAS A TEAMMATE OF  
11:03AM 9 YOURS?

11:03AM 10 PROSPECTIVE JUROR: YES, COLLEGE TEAMMATE.

11:03AM 11 THE COURT: IN A SPORT?

11:03AM 12 PROSPECTIVE JUROR: YES, SORRY.

11:03AM 13 THE COURT: AND WHAT SPORT WAS THAT?

11:03AM 14 PROSPECTIVE JUROR: SWIMMING.

11:03AM 15 THE COURT: OKAY. THANK YOU. AND YOU SWAM IN  
11:03AM 16 COLLEGE?

11:03AM 17 PROSPECTIVE JUROR: YES.

11:03AM 18 THE COURT: AND YOU SWAM WITH A CHRISTOPHER LUCAS?

11:03AM 19 PROSPECTIVE JUROR: YEAH, YEAH. HE WAS A CLOSE  
11:03AM 20 TEAMMATE, NOT JUST AN ACQUAINTANCE, UH-HUH.

11:03AM 21 THE COURT: AND WHEN WAS THE LAST TIME THAT YOU SAW  
11:03AM 22 OR HAD CONNECTION WITH MR. LUCAS?

11:03AM 23 PROSPECTIVE JUROR: IT WOULD BE 2007, 2008.

11:03AM 24 THE COURT: AND WAS THAT AT A SOCIAL EVENT?

11:03AM 25 PROSPECTIVE JUROR: YEAH.

11:03AM 1 THE COURT: OKAY. WAS HE A TEAMMATE -- DID THEY --  
11:03AM 2 YOU KNOW, I EXPRESS MY IGNORANCE HERE.  
11:03AM 3 PROSPECTIVE JUROR: NO, THAT'S OKAY.  
11:03AM 4 THE COURT: WELL, THANK YOU.  
11:03AM 5 PROSPECTIVE JUROR: WE WERE NOT SEPARATE TEAMS. WE  
11:03AM 6 TRAINED TOGETHER AND TRAVELLED TOGETHER AND HUNG OUT TOGETHER.  
11:04AM 7 THE COURT: OKAY. I UNDERSTAND.  
11:04AM 8 AND I WAS JUST TRYING TO KNOW, IN SWIMMING, DID THEY HAVE  
11:04AM 9 A MIXED GENDER RELAY TEAM?  
11:04AM 10 PROSPECTIVE JUROR: NO.  
11:04AM 11 THE COURT: I HAVE NEVER SEEN THAT. I WAS JUST  
11:04AM 12 CURIOUS WHETHER THAT HAPPENED.  
11:04AM 13 ALL RIGHT. AND TERRY HUFF, YOU KNOW AN OB/GYN IN ARIZONA  
11:04AM 14 BY THAT NAME?  
11:04AM 15 PROSPECTIVE JUROR: YES.  
11:04AM 16 THE COURT: AND TELL US ABOUT THAT KNOWLEDGE.  
11:04AM 17 PROSPECTIVE JUROR: OH, MY BEST FRIEND THAT I HAVE  
11:04AM 18 KNOWN SINCE I WAS FIVE, AND TO THIS DAY I'M STILL IN TOUCH WITH  
11:04AM 19 HER AND HER FAMILY, INCLUDING TERRY. HE WAS LIKE A SECOND DAD  
11:04AM 20 TO ME, YEAH.  
11:04AM 21 THE COURT: I SEE.  
11:04AM 22 PROSPECTIVE JUROR: I SAW HIM REGULARLY. IT WASN'T  
11:04AM 23 JUST LIKE, OH, IT'S JUST SOMEONE WHO I SAW ONCE AND I KNOW OF  
11:04AM 24 HIM. LIKE, I KNOW THEIR FAMILY VERY WELL.  
11:04AM 25 THE COURT: I SEE. I SEE.

11:04AM 1 SO TELL US, IF THESE WITNESSES WERE TO TESTIFY IN THIS  
11:04AM 2 CASE --

11:04AM 3 PROSPECTIVE JUROR: UH-HUH.

11:04AM 4 THE COURT: -- AND IT TURNS OUT THEY'RE THE SAME  
11:04AM 5 PEOPLE THAT YOU'RE TELLING US ABOUT --

11:05AM 6 PROSPECTIVE JUROR: YES.

11:05AM 7 THE COURT: -- HOW WOULD THAT AFFECT YOUR ABILITY TO  
11:05AM 8 JUDGE AND WEIGH THEIR TESTIMONY FAIRLY AND IMPARTIALLY TO BOTH  
11:05AM 9 SIDES?

11:05AM 10 PROSPECTIVE JUROR: THAT'S A GOOD QUESTION. I'M  
11:05AM 11 UNSURE HOW I WOULD REACT.

11:05AM 12 THE COURT: RIGHT.

11:05AM 13 PROSPECTIVE JUROR: BECAUSE IT'S NOT -- I THINK IT  
11:05AM 14 WOULD BE DIFFERENT IF IT WAS SOMEONE I KNEW OF, YOU KNOW,  
11:05AM 15 SOMEONE THAT YOU JUST DON'T HAVE A PERSONAL CONNECTION WITH.

11:05AM 16 BUT I KNOW THESE TWO PEOPLE DIRECTLY AND FOR AN EXTENDED  
11:05AM 17 AMOUNT OF TIME.

11:05AM 18 THE COURT: RIGHT.

11:05AM 19 PROSPECTIVE JUROR: SO I WOULDN'T TO INTENTIONALLY  
11:05AM 20 TRY TO BE BIASED. BUT, YOU KNOW, HOW COULD YOU CONTROL THAT?

11:05AM 21 THE COURT: WELL, THANK YOU FOR THAT.

11:05AM 22 ONE OF THE JOBS OF A JUROR IS, YOUR JOB IS TO WEIGH  
11:05AM 23 CREDIBILITY.

11:05AM 24 PROSPECTIVE JUROR: RIGHT.

11:05AM 25 THE COURT: WITNESSES WILL SIT HERE. THEY'LL OFFER



11:05AM 1 THEIR TESTIMONY. THE LAWYERS WILL ASK THEM QUESTIONS, AND IT'S  
11:05AM 2 THE JURY'S JOB TO DECIDE WHETHER TO BELIEVE OR NOT TO BELIEVE A  
11:05AM 3 WITNESS.

11:05AM 4 A JUROR CAN BELIEVE EVERYTHING A WITNESS SAYS, NONE OF IT,  
11:05AM 5 OR PART OF IT, AND USE THAT IN THE CALCULUS OF DECIDING THE  
11:06AM 6 FACTS OF THE CASE.

11:06AM 7 ONE THING I SHOULD TELL YOU, AND MAYBE YOU KNOW THIS,  
11:06AM 8 JURORS ARE ACTUALLY JUDGES, AND YOU GET TO JUDGE THE FACTS OF  
11:06AM 9 THE CASE. THAT'S ENTIRELY YOUR PROVINCE AS A JUROR. YOU GET  
11:06AM 10 TO DECIDE WHAT HAPPENED. YOU GET TO DECIDE WHAT PEOPLE SAID.  
11:06AM 11 YOU GET TO PUT YOUR THOUGHTS ABOUT CREDIBILITY OF THAT  
11:06AM 12 TESTIMONY. THAT'S YOUR JOB.

11:06AM 13 YOU WILL APPLY THE LAW THAT I GIVE TO YOU TO THE FACTS AS  
11:06AM 14 YOU FIND THEM AS JURORS.

11:06AM 15 AND AGAIN, PART OF THAT PROCESS IS WEIGHING THE  
11:06AM 16 CREDIBILITY OF WITNESSES.

11:06AM 17 SO TELL US AGAIN ABOUT YOUR THOUGHTS IF THESE TWO PEOPLE  
11:06AM 18 ARE WHO YOU THINK THEY ARE --

11:06AM 19 PROSPECTIVE JUROR: RIGHT.

11:06AM 20 THE COURT: -- AND THEY TESTIFY ABOUT SOMETHING --

11:06AM 21 PROSPECTIVE JUROR: RIGHT.

11:06AM 22 THE COURT: -- HOW WOULD YOU, HOW WOULD YOU SIT AS A  
11:06AM 23 JUROR IN WEIGHING THE CREDIBILITY OF THEIR TESTIMONY?

11:06AM 24 PROSPECTIVE JUROR: RIGHT. SO IN THIS PLATFORM,  
11:06AM 25 THAT'S THE -- THAT IS THE PERSPECTIVE YOU'RE SUPPOSED TO

11:07AM 1 FUNCTION OFF OF, RIGHT, IS WHAT PEOPLE ARE TELLING YOU?

11:07AM 2 BUT THE HUMAN PART OF YOU IS SUCH THAT YOU KNOW THAT

11:07AM 3 PERSON, SO EVEN IF I, IF I SAID, I'M ONLY GOING TO LISTEN TO

11:07AM 4 WHAT THE PERSON TELLS ME, THAT'S ABSOLUTELY IMPOSSIBLE TO NOT

11:07AM 5 BE SLIGHTLY COLORED BY WHO YOU THINK THAT --

11:07AM 6 THE COURT: SURE.

11:07AM 7 PROSPECTIVE JUROR: -- PERSON IS.

11:07AM 8 BUT, YOU KNOW, I COULD SAY THAT I COULD TRY MY BEST,

11:07AM 9 RIGHT, TO BE UNBIASSED, BUT THAT'S JUST -- THAT'S MY HONEST

11:07AM 10 OPINION.

11:07AM 11 THE COURT: NO. THANK YOU. THIS IS WHY WE ASK

11:07AM 12 THESE QUESTIONS, AND I APPRECIATE YOUR CANDOR. THE LAWYERS DO

11:07AM 13 AS WELL. THANK YOU FOR TELLING US ABOUT THAT.

11:07AM 14 ANYTHING ELSE YOU WOULD LIKE ME TO KNOW ABOUT THIS?

11:07AM 15 PROSPECTIVE JUROR: NO. HUH-UH.

11:07AM 16 THE COURT: OKAY. THANK YOU.

11:07AM 17 ANYONE ELSE? THE QUESTION IS KNOWLEDGE OF ANY OF THE

11:07AM 18 WITNESSES.

11:08AM 19 I SEE NO HANDS.

11:08AM 20 NOW, AS I MENTIONED TO YOU, THIS CASE RELATES TO

11:08AM 21 MR. BALWANI AND ALLEGATIONS OF WIRE FRAUD AND CONSPIRACY TO

11:08AM 22 COMMIT WIRE FRAUD AS INDICATED IN THE INDICTMENT.

11:08AM 23 I WANT TO NEXT ASK A QUESTION AS TO WHETHER OR NOT ANYONE

11:08AM 24 HAS READ OR HEARD ANY NEWS COVERAGE ABOUT THIS CASE.

11:08AM 25 ANYBODY HAVE ANY KNOWLEDGE ABOUT THAT?

11:08AM 1 OKAY. WE'LL PASS THE MICROPHONE AROUND.

11:08AM 2 WHAT I'M GOING TO ASK YOU -- AND THE QUESTION IS, HAVE YOU  
11:08AM 3 HEARD OR KNOW OF ANY NEWS COVERAGE OF THE CASE? THE PEOPLE WHO  
11:08AM 4 RAISED THEIR HAND, I'M GOING TO PRESUME THAT ANSWER IS YES  
11:08AM 5 BECAUSE OTHERWISE YOU WOULD NOT RAISE YOUR HAND.

11:08AM 6 WHEN I ASK YOU THIS, WHAT I WOULD LIKE TO KNOW IS, FIRST  
11:08AM 7 OF ALL, THE SOURCE OF THE INFORMATION.

11:08AM 8 I'M NOT GOING TO ASK YOU WHAT YOU'VE HEARD, BUT IF YOU  
11:09AM 9 COULD TELL ME, PLEASE, THE SOURCE OF THE INFORMATION.

11:09AM 10 SO WHOSE HAND IS UP? OKAY.

11:09AM 11 PROSPECTIVE JUROR: HI. JUROR NUMBER 117.

11:09AM 12 THE COURT: YES, SIR.

11:09AM 13 PROSPECTIVE JUROR: I HAVE HEARD COVERAGE NOT SO  
11:09AM 14 MUCH SPECIFICALLY ABOUT THIS DEFENDANT IN THIS CASE, BUT MORE  
11:09AM 15 GENERALLY ABOUT THE COMPANY.

11:09AM 16 THE COURT: OKAY. AND WHAT IS THE SOURCE OF THE  
11:09AM 17 INFORMATION?

11:09AM 18 PROSPECTIVE JUROR: NPR, NATIONAL PUBLIC RADIO.

11:09AM 19 THE COURT: OKAY. AND CAN YOU TELL ME THE FREQUENCY  
11:09AM 20 OF YOUR -- THE BASIS OF YOUR KNOWLEDGE?

11:09AM 21 PROSPECTIVE JUROR: DRIVING TO AND FROM WORK,  
11:09AM 22 LISTENING TO THE RADIO, HEARING PRIMARILY HEADLINES STATING  
11:09AM 23 FACTS AND INFORMATION ABOUT THESE ISSUES. NOT SO MUCH DETAILED  
11:09AM 24 ANALYSIS OR DEEP DIVES OR COMMENTARY, MORE JUST GENERAL  
11:10AM 25 HEADLINES.

11:10AM 1 THE COURT: OKAY. CAN I ASK YOU, DID YOU FOLLOW ANY  
11:10AM 2 OF THE CASE? AND BY THAT I MEAN DID YOU PURSUE ADDITIONAL  
11:10AM 3 INFORMATION OFF THE INTERNET, NEWSPAPERS, RADIO, OR WAS THIS A  
11:10AM 4 NEWS ITEM THAT CAME UP WITH SOME FREQUENCY IN YOUR COMMUTE?

11:10AM 5 PROSPECTIVE JUROR: I DID PURSUE SOME ADDITIONAL  
11:10AM 6 INFORMATION, HAD CONVERSATIONS WITH COWORKERS, FAMILY MEMBERS,  
11:10AM 7 FRIENDS REGARDING THE ISSUE.

11:10AM 8 THE COURT: I SEE. OKAY.  
11:10AM 9 AND WHAT WAS THE FREQUENCY OF THOSE CONVERSATIONS?

11:10AM 10 PROSPECTIVE JUROR: WEEKLY.

11:10AM 11 THE COURT: OKAY. AND DID -- ANY OTHER SOURCE OF  
11:10AM 12 INFORMATION ABOUT -- OR ANYTHING ELSE YOU DID TO --

11:10AM 13 PROSPECTIVE JUROR: THERE IS -- THERE HAVE BEEN SOME  
11:10AM 14 TELEVISION SHOWS THAT HAVE COME OUT RECENTLY.

11:11AM 15 THE COURT: AND DID YOU -- HAVE YOU SEEN THOSE?

11:11AM 16 PROSPECTIVE JUROR: I HAVEN'T WATCHED THEM FULLY,  
11:11AM 17 BUT I'VE WATCHED PREVIEWS.

11:11AM 18 THE COURT: OKAY. TELL ME JUST WHAT SHOWS WERE THAT  
11:11AM 19 YOU SAW.

11:11AM 20 PROSPECTIVE JUROR: THERE WAS ONE ON HULU THAT JUST  
11:11AM 21 RECENTLY CAME OUT, AND I THINK IT WAS CALLED "THE DROPOUT."

11:11AM 22 THE COURT: AND YOU SAW A PREVIEW?

11:11AM 23 PROSPECTIVE JUROR: YEAH, I SAW IT ON HULU AND IT  
11:11AM 24 KIND OF GIVES YOU AN IDEA OF WHAT IT IS ABOUT.

11:11AM 25 AND THAT WAS PRIOR TO THE QUESTIONNAIRE LAST WEEK, AND I

11:11AM 1 DECIDED IF I WAS GOING TO BE A PARTICIPANT THAT I SHOULD  
11:11AM 2 PROBABLY NOT PURSUE INFORMATION ABOUT THAT COMPANY AND THE  
11:11AM 3 CHARGES.

11:11AM 4 THE COURT: I SEE.

11:11AM 5 SO YOU SAW THE PREVIEW BEFORE YOU FILLED OUT THE  
11:11AM 6 QUESTIONNAIRE?

11:11AM 7 PROSPECTIVE JUROR: THAT'S CORRECT.

11:11AM 8 THE COURT: AND THEN YOU STOPPED, YOU DIDN'T GO  
11:11AM 9 FURTHER?

11:11AM 10 PROSPECTIVE JUROR: THAT'S CORRECT.

11:11AM 11 THE COURT: OKAY. GOOD. GREAT. THANK YOU FOR  
11:11AM 12 THAT.

11:12AM 13 LET ME ASK YOU, IS THERE ANYTHING ABOUT YOUR EXPOSURE,  
11:12AM 14 I'LL JUST CALL IT THAT, THAT YOU THINK WILL IMPAIR YOUR ABILITY  
11:12AM 15 TO BE FAIR AND IMPARTIAL TO BOTH SIDES? AND THAT'S A YES OR NO  
11:12AM 16 QUESTION.

11:12AM 17 PROSPECTIVE JUROR: I DON'T BELIEVE THAT ANY OF THE  
11:12AM 18 EXPOSURE OR MY KNOWLEDGE WOULD IMPAIR ME TO BE IMPARTIAL OR  
11:12AM 19 BIASSED.

11:12AM 20 THE COURT: CAN YOU FAIR TO BOTH SIDES?

11:12AM 21 PROSPECTIVE JUROR: YES, I CAN.

11:12AM 22 THE COURT: AND TO THE DEFENSE?

11:12AM 23 PROSPECTIVE JUROR: YES.

11:12AM 24 THE COURT: AND TO THE PROSECUTION?

11:12AM 25 PROSPECTIVE JUROR: AND TO THE PROSECUTION.

11:12AM 1 THE COURT: ALL RIGHT. THANK YOU.

11:12AM 2 PROSPECTIVE JUROR: THANK YOU.

11:12AM 3 THE COURT: YES, RIGHT NEXT TO YOU.

11:12AM 4 PROSPECTIVE JUROR: I'M JUROR 116.

11:12AM 5 THE COURT: YES.

11:12AM 6 PROSPECTIVE JUROR: SO THE EXTENT OF MY KNOWLEDGE  
11:12AM 7 COMES PRIMARILY FROM NEWS HEADLINES. SO MY SOURCE OF NEWS ARE  
11:12AM 8 THINGS LIKE NPR, "WALL STREET JOURNAL," GOOGLE NEWS, APPLE  
11:12AM 9 NEWS.

11:12AM 10 SO I AM AWARE OF THE COMPANY, BUT I'M NOT AWARE OF ANY  
11:13AM 11 DETAILS. THIS HAS NOT BEEN A CASE THAT I FOLLOWED IN ANY  
11:13AM 12 DETAIL WHATSOEVER.

11:13AM 13 THE COURT: ALL RIGHT. THANK YOU.

11:13AM 14 JUST LIKE JUROR 117, ON YOUR COMMUTE YOU'VE LISTENED TO  
11:13AM 15 NPR AND HEADLINES AND THAT'S WHAT YOU'VE HEARD?

11:13AM 16 PROSPECTIVE JUROR: I DON'T REALLY LISTEN TO AUDIO  
11:13AM 17 NEWS, AND IT'S LOOKING AT HEADLINES. AND OF COURSE I'M AWARE  
11:13AM 18 OF THE COMPANY.

11:13AM 19 BUT I DO NOT FOLLOW THE NEWS ARTICLES AND IT HAS NOT BEEN  
11:13AM 20 SOMETHING OF INTEREST.

11:13AM 21 THE COURT: OKAY. THANK YOU.

11:13AM 22 SAME QUESTION THAT I PUT TO JUROR NUMBER 117. BASED ON  
11:13AM 23 THE UNIVERSE OF YOUR KNOWLEDGE ABOUT THE CASE, IS THERE  
11:13AM 24 ANYTHING ABOUT THAT THAT YOU BELIEVE WOULD IMPAIR YOUR ABILITY  
11:13AM 25 TO BE FAIR AND IMPARTIAL TO BOTH SIDES HERE?

11:13AM 1 PROSPECTIVE JUROR: NO.

11:13AM 2 THE COURT: CAN YOU BE FAIR TO MR. BALWANI?

11:13AM 3 PROSPECTIVE JUROR: YES, I CAN BE FAIR TO

11:13AM 4 MR. BALWANI, AS WELL AS TO THE PROSECUTION OR PROSECUTORS.

11:14AM 5 THE COURT: OKAY. GREAT. THANK YOU.

11:14AM 6 ANYTHING ELSE YOU WANT ME TO KNOW ABOUT THAT?

11:14AM 7 PROSPECTIVE JUROR: NO, SIR. THANK YOU.

11:14AM 8 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

11:14AM 9 I THINK JUROR 111?

11:14AM 10 PROSPECTIVE JUROR: YES.

11:14AM 11 THE COURT: YES, SIR.

11:14AM 12 PROSPECTIVE JUROR: SAME HERE. I JUST KNOW JUST

11:14AM 13 ABOUT THE COMPANY AND I HEARD IT ON THE NEWS.

11:14AM 14 THE COURT: AND IF YOU COULD KEEP THE MICROPHONE --

11:14AM 15 YEAH, SPEAK INTO THE MICROPHONE.

11:14AM 16 PROSPECTIVE JUROR: OKAY.

11:14AM 17 THE COURT: SO YOU'VE HEARD ABOUT THIS THROUGH NEWS?

11:14AM 18 PROSPECTIVE JUROR: YES, THE NEWS --

11:14AM 19 THE COURT: I SEE.

11:14AM 20 PROSPECTIVE JUROR: -- AND WHAT CAUGHT MY INTEREST

11:14AM 21 FOR THAT IS ELIZABETH HOLMES WAS A DROPOUT FROM STANFORD, AND

11:14AM 22 SO THAT CAUGHT MY INTEREST.

11:14AM 23 THE COURT: OKAY. WELL, DID YOU, DID YOU FOLLOW THE

11:14AM 24 CASE? DID YOU --

11:14AM 25 PROSPECTIVE JUROR: NOT TOTALLY. NOT REALLY.

11:14AM 1 BUT I KNOW MY WIFE IS A CLINICAL PHARMACIST, SO WE TALKED  
11:15AM 2 ABOUT IT, YOU KNOW, JUST IN PASSING.  
11:15AM 3 THE COURT: I SEE.  
11:15AM 4 PROSPECTIVE JUROR: BUT NOT -- WE DIDN'T REALLY  
11:15AM 5 FOLLOW IT. THAT WAS --  
11:15AM 6 THE COURT: I SEE.  
11:15AM 7 PROSPECTIVE JUROR: AND ALL OF THAT BEFORE, YOU KNOW  
11:15AM 8 I DID THAT BEFORE.  
11:15AM 9 THE COURT: I'M SORRY. IF YOU COULD KEEP THE  
11:15AM 10 MICROPHONE.  
11:15AM 11 PROSPECTIVE JUROR: I'M SORRY.  
11:15AM 12 THE COURT: YES.  
11:15AM 13 PROSPECTIVE JUROR: SO SORT OF DISTANCE, THIS WAS  
11:15AM 14 "20/20." THAT'S WHEN I SAW SOMETHING.  
11:15AM 15 THE COURT: DID YOU SEE ANY MOVIES OR READ ANY BOOKS  
11:15AM 16 OR ANYTHING LIKE THAT ABOUT THE CASE?  
11:15AM 17 PROSPECTIVE JUROR: MOSTLY WHAT I SAW ON T.V.  
11:15AM 18 THE COURT: I SEE.  
11:15AM 19 AND IS THAT NEWS?  
11:15AM 20 PROSPECTIVE JUROR: ON THE NEWS.  
11:15AM 21 THE COURT: OKAY.  
11:15AM 22 PROSPECTIVE JUROR: ON THE NEWS.  
11:15AM 23 AND I THINK MY WIFE SHOWED ME SOMETHING ON YOUTUBE ALSO  
11:15AM 24 BEFORE.  
11:15AM 25 THE COURT: DO YOU REMEMBER ANYTHING ABOUT THAT, THE



11:15AM 1 YOUTUBE?

11:15AM 2 PROSPECTIVE JUROR: IT WAS JUST PART OF THE NEWS.

11:16AM 3 THE COURT: I SEE. OKAY.

11:16AM 4 PROSPECTIVE JUROR: THAT WAS SHOWN SOME TIME AGO.

11:16AM 5 THE COURT: OKAY. WHEN WAS THE LAST TIME, THE MOST

11:16AM 6 RECENT TIME, PARDON ME, THE MOST RECENT TIME THAT YOU'VE READ

11:16AM 7 SOMETHING ABOUT THE CASE?

11:16AM 8 PROSPECTIVE JUROR: THAT WAS I THINK -- NOW, WHEN

11:16AM 9 I -- WHEN I FILLED OUT THE FORM --

11:16AM 10 THE COURT: YES.

11:16AM 11 PROSPECTIVE JUROR: -- YOU KNOW, I LOOKED AT MY --

11:16AM 12 WHEN I WENT HOME, I LOOKED AT MY CELL PHONE JUST TO SEE THE

11:16AM 13 ENDING AND WHAT HAPPENED AFTER THAT.

11:16AM 14 THE COURT: AND WHAT DID YOU LOOK FOR? WHAT DID YOU

11:16AM 15 DO ON YOUR CELL PHONE?

11:16AM 16 PROSPECTIVE JUROR: I LOOKED UP AGAIN ON

11:16AM 17 ELIZABETH HOLMES.

11:16AM 18 THE COURT: OH, I SEE. YOU DID -- YOU PUT IN HER

11:16AM 19 NAME AND FOUND SOME INFORMATION?

11:16AM 20 PROSPECTIVE JUROR: YES, YES.

11:16AM 21 THE COURT: AND THEN YOU GAINED INFORMATION FROM

11:16AM 22 THAT? THAT GAVE YOU SOME INFORMATION?

11:16AM 23 PROSPECTIVE JUROR: YES, BECAUSE I DIDN'T REALLY

11:16AM 24 KNOW HOW IT ENDED.

11:17AM 25 THE COURT: I SEE. AND YOU DID THAT AFTER YOU

11:17AM 1 FILLED OUT THE QUESTIONNAIRE?

11:17AM 2 PROSPECTIVE JUROR: RIGHT.

11:17AM 3 THE COURT: AND THAT'S THE MOST RECENT EXPOSURE --

11:17AM 4 PROSPECTIVE JUROR: YES.

11:17AM 5 THE COURT: -- YOU'VE HAD?

11:17AM 6 PROSPECTIVE JUROR: YES.

11:17AM 7 THE COURT: AND LET ME ASK YOU, JUROR NUMBER 111,

11:17AM 8 THE SAME THING I ASKED YOUR COLLEAGUES 116 AND 117. IS THERE

11:17AM 9 ANYTHING ABOUT THAT INFORMATION, THOSE DISCUSSIONS, YOUR

11:17AM 10 UNIVERSE OF KNOWLEDGE OF THE CASE, IS THERE ANYTHING ABOUT THAT

11:17AM 11 THAT YOU BELIEVE WILL IMPAIR AND AFFECT YOUR ABILITY TO BE FAIR

11:17AM 12 AND IMPARTIAL TO BOTH SIDES?

11:17AM 13 PROSPECTIVE JUROR: SOMETHING THAT HAPPENED TO ME

11:17AM 14 PERSONALLY IN MY PERSONAL LIFE --

11:17AM 15 THE COURT: YES.

11:17AM 16 PROSPECTIVE JUROR: -- I'VE THOUGHT ABOUT IT AND I'M

11:17AM 17 A LITTLE UNSURE. I PROBABLY MAY WANT TO TALK TO YOU IN PRIVATE

11:17AM 18 ABOUT THAT.

11:17AM 19 THE COURT: SURE, OKAY.

11:17AM 20 PROSPECTIVE JUROR: BECAUSE I DON'T WANT TO

11:17AM 21 INFLUENCE --

11:17AM 22 THE COURT: WELL, THANK YOU. I APPRECIATE YOUR

11:17AM 23 CONSIDERATION.

11:17AM 24 PROSPECTIVE JUROR: RIGHT.

11:17AM 25 THE COURT: SO THERE'S SOMETHING -- YOU HAVE SOME

11:17AM 1 PERSONAL THOUGHTS THAT YOU WOULD LIKE TO SHARE WITH US IN  
11:17AM 2 PRIVATE?

11:17AM 3 PROSPECTIVE JUROR: YES.

11:17AM 4 THE COURT: GREAT. OKAY. THANK YOU FOR THAT.

11:18AM 5 THANK YOU VERY MUCH, SIR. WE'LL SEE WHAT WE CAN DO ABOUT  
11:18AM 6 THAT.

11:18AM 7 PROSPECTIVE JUROR: OKAY.

11:18AM 8 THE COURT: OTHERS? YES. IS THIS -- ARE YOU --

11:18AM 9 PROSPECTIVE JUROR: I'M JUROR 115.

11:18AM 10 THE COURT: 115. THANK YOU, SIR.

11:18AM 11 PROSPECTIVE JUROR: AND VERY MUCH LIKE JUROR 117 AND  
11:18AM 12 116, MY ACQUAINTANCE WITH THE DEFENDANT'S COMPANY IS -- WAS  
11:18AM 13 THROUGH MORNING NEWS COVERAGE ON MY LOCAL NPR STATIONS. BUT I  
11:18AM 14 DIDN'T FOLLOW THE CASE, YOU KNOW, IN ANY DETAIL.

11:18AM 15 I RECOGNIZED THE DEFENDANT'S NAME IN THE CONTEXT OF THAT  
11:18AM 16 COVERAGE, BUT THAT'S THE EXTENT OF MY ACQUAINTANCE.

11:18AM 17 THE COURT: OKAY. THANK YOU.

11:18AM 18 I'VE BEEN CALLING THIS A UNIVERSE OF KNOWLEDGE, AND MAYBE  
11:18AM 19 THAT OVERSTATES IT. THAT SOUNDS VERY GRAND, DOESN'T IT? BUT I  
11:18AM 20 HOPE THAT CAPTURES THE SENTIMENT HERE.

11:18AM 21 IS THERE ANYTHING ABOUT YOUR UNIVERSE OF KNOWLEDGE OF THE  
11:19AM 22 CASE THAT YOU THINK WILL IMPAIR YOUR ABILITY TO BE FAIR AND  
11:19AM 23 IMPARTIAL, EXCUSE ME, TO BOTH SIDES?

11:19AM 24 PROSPECTIVE JUROR: NO.

11:19AM 25 THE COURT: CAN YOU GIVE MR. BALWANI A FAIR TRIAL?

11:19AM 1 PROSPECTIVE JUROR: YES.

11:19AM 2 THE COURT: CAN YOU GIVE THE GOVERNMENT A FAIR

11:19AM 3 TRIAL?

11:19AM 4 PROSPECTIVE JUROR: YES.

11:19AM 5 THE COURT: WILL YOU BE FAIR TO BOTH OF THEM?

11:19AM 6 PROSPECTIVE JUROR: YES.

11:19AM 7 THE COURT: WOULD YOU BE ABLE TO SIT AND KEEP AN

11:19AM 8 OPEN MIND THROUGHOUT THE CASE, NOT MAKE ANY DECISIONS ABOUT THE

11:19AM 9 CASE UNTIL, UNTIL YOU HAVE BEEN INSTRUCTED BY THE COURT AND

11:19AM 10 UNTIL YOU GO TO THE DELIBERATION ROOM TO THEN BEGIN DISCUSSIONS

11:19AM 11 WITH YOUR FELLOW JURORS? COULD YOU DO THAT AS A JUROR?

11:19AM 12 PROSPECTIVE JUROR: YES.

11:19AM 13 THE COURT: OKAY. THANK YOU. THANK YOU VERY MUCH.

11:19AM 14 THERE WERE OTHER HANDS. GOOD MORNING.

11:19AM 15 PROSPECTIVE JUROR: GOOD MORNING. MY NUMBER IS 108.

11:19AM 16 THE COURT: YES.

11:19AM 17 PROSPECTIVE JUROR: AND MY EXPOSURE TO THE CASE WAS

11:19AM 18 I DON'T RECALL EXACTLY, BUT IT WAS EITHER CNN.COM, YAHOO NEWS,

11:20AM 19 OR NPR.

11:20AM 20 THE COURT: OKAY. AND WAS IT NEWS -- YOU FOLLOW

11:20AM 21 THOSE NEWS CHANNELS, AND YOU RECEIVED INFORMATION ABOUT

11:20AM 22 COVERAGE OF THE EVENT THROUGH THAT?

11:20AM 23 PROSPECTIVE JUROR: CORRECT. I ONLY READ -- EITHER

11:20AM 24 READ OR LISTENED TO IT ONE TIME, AND ONCE I WAS FILLING OUT THE

11:20AM 25 QUESTIONNAIRE, IT KIND OF RANG A BELL THROUGHOUT THE -- I THINK

11:20AM 1 I FEEL LIKE THE LAST FEW QUESTIONS, THAT'S WHEN IT REALLY HIT  
11:20AM 2 ME, OH, I HAVE READ SOMETHING ABOUT THIS BEFORE.

11:20AM 3 THE COURT: OH, I SEE.

11:20AM 4 THE QUESTIONNAIRE ITSELF JOGGED YOUR MEMORY ABOUT IT?

11:20AM 5 PROSPECTIVE JUROR: YES.

11:20AM 6 THE COURT: BUT FOR THAT, YOU DIDN'T REALLY HAVE A  
11:20AM 7 RECALL ABOUT IT? IS THAT FAIR TO SAY?

11:20AM 8 PROSPECTIVE JUROR: YES, CORRECT.

11:20AM 9 THE COURT: I SEE. SO AM I CORRECT TO ASSUME THAT  
11:20AM 10 YOU -- FILLING OUT THE QUESTIONNAIRE WAS THE MOST RECENT TIME  
11:20AM 11 THAT YOU HAD THOUGHTS ABOUT THE CASE?

11:21AM 12 PROSPECTIVE JUROR: CORRECT.

11:21AM 13 THE COURT: I SEE. AND WHEN WERE YOU LISTENING TO  
11:21AM 14 OR READING NPR, CNN?

11:21AM 15 PROSPECTIVE JUROR: I DO IT ON A DAILY BASIS, BUT I  
11:21AM 16 DO NOT RECALL. MAYBE IT'S BEEN A MONTH OR SO.

11:21AM 17 THE COURT: OKAY. OKAY. THANK YOU.

11:21AM 18 WELL, LET ME ASK YOU THEN: YOUR UNIVERSE OF EXPOSURE TO  
11:21AM 19 THE CASE, IS THERE ANYTHING ABOUT THAT THAT YOU BELIEVE WILL  
11:21AM 20 IMPAIR OR AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH  
11:21AM 21 SIDES?

11:21AM 22 PROSPECTIVE JUROR: NO.

11:21AM 23 THE COURT: DO YOU HAVE ANY DOUBT ABOUT THAT?

11:21AM 24 PROSPECTIVE JUROR: NO.

11:21AM 25 THE COURT: OKAY. YOU CAN BE FAIR TO MR. BALWANI?

11:21AM 1 PROSPECTIVE JUROR: YES.

11:21AM 2 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?

11:21AM 3 PROSPECTIVE JUROR: YES.

11:21AM 4 THE COURT: OKAY. ANYTHING ELSE YOU WANT US TO KNOW

11:21AM 5 ABOUT THIS?

11:21AM 6 PROSPECTIVE JUROR: NO, YOUR HONOR.

11:21AM 7 THE COURT: OKAY. THANK YOU. I THINK THE TAKE AWAY

11:21AM 8 SO FAR IS THAT NPR IS DOING A GOOD JOB OF GETTING THEIR

11:21AM 9 COVERAGE FOR THEIR STATION.

11:21AM 10 (LAUGHTER.)

11:21AM 11 THE COURT: LET'S PASS THIS TO THE NEXT INDIVIDUAL.

11:22AM 12 IS THAT JUROR 12?

11:22AM 13 PROSPECTIVE JUROR: YES, I'M JUROR 12.

11:22AM 14 THE COURT: YES.

11:22AM 15 PROSPECTIVE JUROR: YES. LIKE THE PRIOR JURORS, I

11:22AM 16 ALSO -- MY MEMORY WAS ALSO JOGGED BY FILLING OUT THE

11:22AM 17 QUESTIONNAIRE.

11:22AM 18 I HAVE HEARD OF THIS CASE AND ELIZABETH HOLMES FROM PRIOR

11:22AM 19 NEWS RADIO, NPR, AND ALSO THROUGH THE INTERNET. I BELIEVE IT

11:22AM 20 WAS BING. I JUST CLICKED ON THE HEADLINES, AND MY -- I HAVE A

11:22AM 21 VAGUE RECOLLECTION REGARDING ISSUES WITH CLAIMING BLOOD TESTS.

11:22AM 22 THE COURT: YES, AND THAT'S WHAT YOU SAW ON THE

11:22AM 23 NEWS?

11:22AM 24 PROSPECTIVE JUROR: YES.

11:22AM 25 THE COURT: I SEE. AND HOW LONG AGO WAS THAT?

11:22AM 1 PROSPECTIVE JUROR: I BELIEVE IT WAS A COUPLE OF  
11:22AM 2 MONTHS AGO.

11:22AM 3 THE COURT: I SEE. IS THAT THE MOST RECENT EXPOSURE  
11:22AM 4 THAT YOU'VE HAD TO THE CASE?

11:22AM 5 PROSPECTIVE JUROR: OH, YES, YES, THAT I REMEMBER.

11:22AM 6 THE COURT: OKAY. OKAY.

11:22AM 7 AND YOU TOLD ME THAT WHEN YOU WERE FILLING OUT THE  
11:23AM 8 QUESTIONNAIRE, JUST LIKE JUROR NUMBER 108, YOUR MEMORY WAS  
11:23AM 9 JOGGED?

11:23AM 10 PROSPECTIVE JUROR: YES.

11:23AM 11 THE COURT: RIGHT. IS IT FAIR TO SAY THAT PRIOR TO  
11:23AM 12 THAT, THIS HADN'T BEEN IN YOUR -- REALLY AT THE TOP OF YOUR  
11:23AM 13 MIND, SHALL I SAY?

11:23AM 14 PROSPECTIVE JUROR: OH, NO, NO.

11:23AM 15 THE COURT: OKAY. AND IS THERE ANYTHING ABOUT YOUR  
11:23AM 16 UNIVERSE OF KNOWLEDGE OF THE CASE THAT YOU THINK WILL IMPAIR OR  
11:23AM 17 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES?

11:23AM 18 PROSPECTIVE JUROR: OH, NO, NO.

11:23AM 19 OH, AND I ALSO WANTED TO MENTION THAT I RECOGNIZED ONE OF  
11:23AM 20 THE POTENTIAL WITNESS NAMES.

11:23AM 21 THE COURT: YES.

11:23AM 22 PROSPECTIVE JUROR: ERIC TOPOL. IF IT'S THE SAME  
11:23AM 23 PERSON, I BELIEVE HE'S THE EDITOR-IN-CHIEF FOR CLEVELAND  
11:23AM 24 CLINIC, AND I DO RECALL IT IS THE SAME PERSON READING SOME  
11:23AM 25 EDITORIALS THAT HE WROTE ABOUT A PARTICULAR COVID-19 DRUG AND

11:24AM 1 HIS DISAPPROVAL OF THIS RAPID, LIKE, ADOPTION BY THE MEDICAL  
11:24AM 2 COMMUNITY.

11:24AM 3 THE COURT: I SEE. REGARDING THE COVID SITUATION?

11:24AM 4 PROSPECTIVE JUROR: YES, YES, IF THIS IS THE SAME  
11:24AM 5 PERSON.

11:24AM 6 THE COURT: OKAY. THAT'S THE ARTICLE THAT YOU READ  
11:24AM 7 BY THIS ERIC TOPOL?

11:24AM 8 PROSPECTIVE JUROR: YES.

11:24AM 9 THE COURT: I SEE. HAVE YOU READ ANYTHING BY  
11:24AM 10 ERIC TOPOL OR HEARD ANYTHING BY ERIC TOPPLE ATTRIBUTED TO THIS  
11:24AM 11 CASE?

11:24AM 12 PROSPECTIVE JUROR: NO.

11:24AM 13 THE COURT: ALL RIGHT. THANK YOU.

11:24AM 14 AND I WANT TO MAKE SURE THAT I GOT YOUR ANSWER. YOU MAY  
11:24AM 15 HAVE, AND I APOLOGIZE IF I MISSED IT.

11:24AM 16 CAN YOU BE FAIR TO MR. BALWANI IN THIS CASE IF YOU'RE  
11:24AM 17 SEATED AS A JUROR?

11:24AM 18 PROSPECTIVE JUROR: YES.

11:24AM 19 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT IN  
11:24AM 20 THIS CASE IF YOU'RE SEATED AS A JUROR?

11:24AM 21 PROSPECTIVE JUROR: YES.

11:24AM 22 THE COURT: OKAY. NO DOUBT ABOUT THAT?

11:24AM 23 PROSPECTIVE JUROR: YES.

11:24AM 24 THE COURT: YOU HAVE A DOUBT OR YOU HAVE NO DOUBT?

11:25AM 25 PROSPECTIVE JUROR: SORRY. NO DOUBT.



11:25AM 1 THE COURT: ALL RIGHT. THANK YOU. THANK YOU VERY  
11:25AM 2 MUCH.

11:25AM 3 WERE THERE ANY OTHER HANDS IN THE BOX HERE?

11:25AM 4 LET'S PASS IT DOWN IF YOU WOULD, PLEASE.

11:25AM 5 PROSPECTIVE JUROR: I PUT IT IN MY QUESTIONNAIRE,  
11:25AM 6 BUT ALSO SIMILARLY --

11:25AM 7 THE COURT: I'M SORRY. YOU'RE JUROR NUMBER?

11:25AM 8 PROSPECTIVE JUROR: 119.

11:25AM 9 THE COURT: THANK YOU. THANK YOU. YES, I'M SORRY.

11:25AM 10 PROSPECTIVE JUROR: -- THAT THE QUESTIONNAIRE HAD  
11:25AM 11 JOGGED MY MEMORY, BUT I'M NOT SURE WHAT TELEVISION SHOW IT WAS,  
11:25AM 12 BUT I KNOW THAT I'VE SEEN, LIKE, A PARTIAL SHOW. I FEEL LIKE  
11:25AM 13 IT WAS OVER A YEAR AGO, THOUGH. I COULD BE WRONG.

11:25AM 14 THE COURT: AND YOU DON'T REMEMBER THE TITLE OF THE  
11:25AM 15 SHOW?

11:25AM 16 PROSPECTIVE JUROR: I DON'T. I REMEMBER THE -- WHAT  
11:25AM 17 THE, LIKE, INTRO SCREEN LOOKED LIKE, BUT, NO. IT WAS  
11:25AM 18 ELIZABETH HOLMES IN A BLACK TURTLENECK.

11:25AM 19 THE COURT: OKAY. DO YOU RECALL WHETHER YOU WATCHED  
11:25AM 20 THE ENTIRETY OF THAT SHOW? PART OF IT?

11:25AM 21 PROSPECTIVE JUROR: I DID NOT.

11:25AM 22 THE COURT: I'M SORRY?

11:25AM 23 PROSPECTIVE JUROR: I DID NOT.

11:25AM 24 THE COURT: I SEE. AND DO YOU HAVE MEMORY OF WHAT  
11:25AM 25 YOU SAW? I'M NOT ASKING YOU TO TELL ME, BUT DO YOU HAVE MEMORY

11:26AM 1 OF WHAT YOU SAW?

11:26AM 2 PROSPECTIVE JUROR: NOT REALLY, HONESTLY.

11:26AM 3 THE COURT: OKAY. ANY OTHER EXPOSURE TO ANYTHING  
11:26AM 4 ABOUT THE CASE?

11:26AM 5 PROSPECTIVE JUROR: NO.

11:26AM 6 THE COURT: LET ME ASK YOU MY QUESTION ABOUT YOUR  
11:26AM 7 UNIVERSE OF KNOWLEDGE OF THE CASE.

11:26AM 8 IS THERE ANYTHING ABOUT THAT EXPOSURE THAT YOU BELIEVE  
11:26AM 9 WILL IMPAIR OR AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO  
11:26AM 10 BOTH SIDES HERE?

11:26AM 11 PROSPECTIVE JUROR: NO.

11:26AM 12 THE COURT: CAN YOU BE FAIR TO MR. BALWANI?

11:26AM 13 PROSPECTIVE JUROR: YES.

11:26AM 14 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?

11:26AM 15 PROSPECTIVE JUROR: YES.

11:26AM 16 THE COURT: ANY DOUBT ABOUT THAT?

11:26AM 17 PROSPECTIVE JUROR: NO.

11:26AM 18 THE COURT: OKAY. THANK YOU VERY MUCH. THANK YOU.

11:26AM 19 I THINK IN FRONT OF YOU.

11:26AM 20 PROSPECTIVE JUROR: JUROR 124.

11:26AM 21 THE COURT: YES. THANK YOU. GOOD MORNING.

11:26AM 22 PROSPECTIVE JUROR: GOOD MORNING.

11:26AM 23 SO I HAVE BEEN FOLLOWING UP WITH THE PREVIOUS TRIAL ON A  
11:26AM 24 DAILY BASIS.

11:26AM 25 THE COURT: YES.

11:26AM 1 PROSPECTIVE JUROR: AND I ALSO WATCHED THE  
11:26AM 2 "60 MINUTES" SPECIAL REPORT CONCERNING THERANOS.  
11:26AM 3 THE COURT: OKAY.  
11:26AM 4 PROSPECTIVE JUROR: SO I LEARNED A LOT ABOUT IT, AND  
11:26AM 5 I HEARD THE TESTIMONY OF THE -- SOME OF THE PERSONS INVOLVED IN  
11:27AM 6 THIS CASE --  
11:27AM 7 THE COURT: I SEE.  
11:27AM 8 PROSPECTIVE JUROR: -- THROUGH "60 MINUTES."  
11:27AM 9 THE COURT: I SEE.  
11:27AM 10 PROSPECTIVE JUROR: AND I WAS VERY --  
11:27AM 11 THE COURT: I'M SORRY, LET ME ASK -- PARDON ME FOR  
11:27AM 12 INTERRUPTING YOU.  
11:27AM 13 SO YOU SAW "60 MINUTES."  
11:27AM 14 IT SOUNDS LIKE YOU FOLLOWED THE CASE, YOU HAD INTEREST IN  
11:27AM 15 FOLLOWING THE CASE?  
11:27AM 16 PROSPECTIVE JUROR: YES.  
11:27AM 17 THE COURT: I SEE. AND YOU FOLLOWED IT THROUGH  
11:27AM 18 NEWSPAPERS AND MEDIA?  
11:27AM 19 PROSPECTIVE JUROR: MAINLY FROM THE T.V. NEWS.  
11:27AM 20 THE COURT: T.V. NEWS. OKAY.  
11:27AM 21 AND DID YOU DO INDEPENDENT RESEARCH ON YOUR OWN ABOUT THE  
11:27AM 22 CASE? DID YOU SEARCH THE INTERNET OR OTHER SOURCES?  
11:27AM 23 PROSPECTIVE JUROR: ACTUALLY, I ONLY LOOKED AT THE  
11:27AM 24 HISTORY OF THIS COMPANY --  
11:27AM 25 THE COURT: I SEE.

11:27AM 1 PROSPECTIVE JUROR: -- THROUGH THE INTERNET.

11:27AM 2 BECAUSE I WAS WONDERING ABOUT THE MACHINE.

11:27AM 3 THE COURT: YES.

11:27AM 4 PROSPECTIVE JUROR: THE BLOOD TEST MACHINE. SO I

11:27AM 5 WAS LOOKING FOR WHAT IS GOING ON WITH THAT MACHINE.

11:27AM 6 THE COURT: OKAY.

11:27AM 7 PROSPECTIVE JUROR: SO IT DID NOT WORK.

11:27AM 8 THE COURT: OKAY. SO LET ME ASK YOU, YOU HAVE

11:27AM 9 EXPOSURE, YOU WERE INTERESTED IN THIS. AND LET ME ASK YOU JUST

11:28AM 10 ON YOUR UNIVERSE OF KNOWLEDGE, JUST BASED ON WHAT YOU KNOW AND

11:28AM 11 WHAT YOU'RE EXPOSED TO, DO YOU BELIEVE YOU COULD BE A FAIR AND

11:28AM 12 IMPARTIAL JUROR TO MR. BALWANI?

11:28AM 13 PROSPECTIVE JUROR: IT DEPENDS ON THE EVIDENCE.

11:28AM 14 THE COURT: OKAY.

11:28AM 15 PROSPECTIVE JUROR: YES.

11:28AM 16 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?

11:28AM 17 PROSPECTIVE JUROR: YES.

11:28AM 18 THE COURT: OKAY. AND AS TO MR. BALWANI, CAN YOU BE

11:28AM 19 FAIR TO HIM?

11:28AM 20 PROSPECTIVE JUROR: I WILL BE FAIR, BUT I DON'T KNOW

11:28AM 21 IF THERE'S A PRECONCEPTION WITHIN ME.

11:28AM 22 THE COURT: YES.

11:28AM 23 PROSPECTIVE JUROR: BECAUSE I USED TO WORK IN THE

11:28AM 24 HEALTH CARE.

11:28AM 25 THE COURT: I SEE.

11:28AM 1 PROSPECTIVE JUROR: SO IT'S VERY IMPORTANT FOR ME  
11:28AM 2 FOR --

11:28AM 3 THE COURT: YEAH, LET ME -- I'M SORRY, I KEEP  
11:28AM 4 INTERRUPTING YOU, AND I DO BEG YOUR PARDON.

11:28AM 5 PROSPECTIVE JUROR: SURE.

11:28AM 6 THE COURT: WHAT I WANT TO KNOW, AND WE WANT TO  
11:28AM 7 KNOW, ARE YOUR CANDID BELIEFS AND YOUR BELIEFS.

11:28AM 8 WHAT I DON'T WANT TO DO IS TO HAVE YOU SAY SOMETHING THAT  
11:28AM 9 MIGHT INFECT, OR MIGHT AFFECT SOME OTHER JUROR JUST BECAUSE OF  
11:29AM 10 A PERSONAL BELIEF.

11:29AM 11 PROSPECTIVE JUROR: YES.

11:29AM 12 THE COURT: IF YOU WANT TO EXPRESS SOMETHING LIKE  
11:29AM 13 THAT, I'M HAPPY TO RECEIVE THAT IN PRIVATE.

11:29AM 14 PROSPECTIVE JUROR: UH-HUH.

11:29AM 15 THE COURT: BUT MY GENERAL QUESTION IS, BASED ON  
11:29AM 16 YOUR BACKGROUND AND KNOWLEDGE AND EXPOSURE -- AND THIS QUESTION  
11:29AM 17 IS REALLY ABOUT EXPOSURE TO MEDIA AND OTHER INFORMATION -- JUST  
11:29AM 18 ON THAT, DO YOU THINK YOU COULD BE FAIR TO MR. BALWANI, OR DO  
11:29AM 19 YOU THINK THAT'S GOING TO BE AN ISSUE?

11:29AM 20 PROSPECTIVE JUROR: THAT'S GOING TO BE AN ISSUE.

11:29AM 21 THE COURT: OKAY. I SEE.

11:29AM 22 I ASK THAT -- AND THANK YOU FOR YOUR CANDOR, JUROR NUMBER  
11:29AM 23 124 -- BECAUSE WHEN I ASKED IF YOU COULD BE FAIR TO THE  
11:29AM 24 GOVERNMENT, YOU SAID YES WITH NO HESITATION. AND THEN WHEN I  
11:29AM 25 ASKED YOU ABOUT MR. BALWANI, THERE WAS A LITTLE HESITATION

11:29AM 1 THERE, WASN'T THERE? AND YOU RECOGNIZE I'M NOT BEING CRITICAL,  
11:29AM 2 AND I AM NOT AT ALL. I'M NOT BEING CRITICAL AT ALL.

11:29AM 3 PROSPECTIVE JUROR: YES.

11:29AM 4 THE COURT: THIS PROCESS IS DESIGNED TO ALLOW US TO  
11:29AM 5 HAVE THIS DISCUSSION, AND IT'S VERY IMPORTANT THAT WE DO HAVE  
11:30AM 6 THIS DISCUSSION.

11:30AM 7 PROSPECTIVE JUROR: THAT'S RIGHT, UH-HUH.

11:30AM 8 THE COURT: AND BECAUSE AS I'VE TOLD YOU BEFORE WHAT  
11:30AM 9 I WANT AND WHAT THESE LAWYERS WANT ARE FAIR JURORS, AND WHEN I  
11:30AM 10 SAY FAIR JURORS, I MEAN FOR THIS CASE.

11:30AM 11 I DON'T MEAN TO SUGGEST THAT IF SOMEONE HAS AN OPINION,  
11:30AM 12 THEY'RE NOT A FAIR PERSON.

11:30AM 13 PROSPECTIVE JUROR: UH-HUH.

11:30AM 14 THE COURT: WHAT I'M SUGGESTING IS THAT THIS MAY NOT  
11:30AM 15 BE THE RIGHT CASE FOR A PERSON.

11:30AM 16 PROSPECTIVE JUROR: UH-HUH.

11:30AM 17 THE COURT: AND MAYBE I SHOULD SEND THEM DOWN THE  
11:30AM 18 HALL WITH A 12-MONTH TRIAL IS ABOUT TO START. MAYBE THAT'S A  
11:30AM 19 BETTER CASE.

11:30AM 20 (LAUGHTER.)

11:30AM 21 THE COURT: I'M JUST KIDDING. I'M NOT GOING TO DO  
11:30AM 22 THAT. I'M NOT GOING TO DO THAT.

11:30AM 23 BUT I JUST SAY THAT TO LET YOU KNOW THAT THAT'S WHAT WE'RE  
11:30AM 24 SEARCHING FOR HERE.

11:30AM 25 PROSPECTIVE JUROR: UH-HUH.

11:30AM 1 THE COURT: AND I APPRECIATE YOUR CANDOR. THANK YOU  
11:30AM 2 SO MUCH FOR BEING THE --  
11:30AM 3 PROSPECTIVE JUROR: I JUST WANT TO BE HONEST.  
11:30AM 4 THE COURT: THAT'S RIGHT, AND I'M SO GRATEFUL FOR  
11:30AM 5 IT, AS ARE THESE LAWYERS. SO THANK YOU. THANK YOU.  
11:30AM 6 ANYTHING ELSE YOU WANT ME TO KNOW?  
11:30AM 7 PROSPECTIVE JUROR: NO.  
11:30AM 8 THE COURT: OKAY. THANK YOU VERY MUCH. THANK YOU.  
11:31AM 9 LET'S SEE. IF YOU COULD HAND THE MICROPHONE TO YOUR SIDE.  
11:31AM 10 PROSPECTIVE JUROR: IT'S JUROR 131, AND IT'S MY --  
11:31AM 11 JUST LIKE SIMILAR TO WHAT EVERYBODY ELSE SAID, NPR AND GOOGLE  
11:31AM 12 NEWS. AND I THINK I SAW THE "60 MINUTES," AND WHEN I WAS  
11:31AM 13 FILLING OUT THE FORM I WAS VERY -- I SAID NO, I DON'T REMEMBER  
11:31AM 14 ANYTHING.  
11:31AM 15 BUT WHEN I CAME HOME, I WAS THINKING ABOUT IT AND I THINK  
11:31AM 16 WE EVEN HAD A CONVERSATION WITH FRIENDS.  
11:31AM 17 THE COURT: WITH FRIENDS?  
11:31AM 18 PROSPECTIVE JUROR: YES, BECAUSE IT WAS -- AND,  
11:31AM 19 AGAIN, I DON'T KNOW MUCH DETAIL. I WASN'T FOLLOWING THIS CASE,  
11:31AM 20 BUT IT WAS IN THE HEADLINES FOR AWHILE.  
11:31AM 21 THE COURT: OKAY. SO YOU DIDN'T FOLLOW THE CASE --  
11:31AM 22 PROSPECTIVE JUROR: NO.  
11:31AM 23 THE COURT: -- REGULARLY.  
11:31AM 24 BUT YOU'RE ANOTHER FAITHFUL NPR LISTENER?  
11:31AM 25 PROSPECTIVE JUROR: YES.

11:31AM 1 THE COURT: AND YOU WERE EXPOSED TO IT THROUGH NPR  
11:32AM 2 AND OTHER MEDIA?

11:32AM 3 PROSPECTIVE JUROR: CORRECT.

11:32AM 4 THE COURT: OKAY. AND IT SOUNDS LIKE THE  
11:32AM 5 QUESTIONNAIRE JOGGED YOUR MEMORY ABOUT THE CASE?

11:32AM 6 PROSPECTIVE JUROR: YES.

11:32AM 7 THE COURT: AND CAUSED YOU TO THINK ABOUT IT A  
11:32AM 8 LITTLE MORE?

11:32AM 9 PROSPECTIVE JUROR: THERE IS -- RIGHT, THE LAST FEW  
11:32AM 10 YEARS WAS HECTIC WITH THE COVID-19, AND SO SOME OF THIS NEWS WE  
11:32AM 11 WOULD SEE THEM AND JUST PASS THEM BECAUSE THEY'RE NOT IMPORTANT  
11:32AM 12 FOR YOUR LIFE, RIGHT?

11:32AM 13 THE COURT: RIGHT. OKAY. I SEE.

11:32AM 14 IS THAT -- YES.

11:32AM 15 PROSPECTIVE JUROR: I THINK I CAN BE IMPARTIAL.

11:32AM 16 THE COURT: YOU ANTICIPATED MY QUESTION.

11:32AM 17 (LAUGHTER.)

11:32AM 18 THE COURT: CAN YOU BE FAIR TO MR. BALWANI?

11:32AM 19 PROSPECTIVE JUROR: YES.

11:32AM 20 THE COURT: OKAY. ANY DOUBT ABOUT THAT?

11:32AM 21 PROSPECTIVE JUROR: NO. I THINK IT'S JUST BASED ON  
11:32AM 22 THE EVIDENCE AND WHAT WE LISTEN TO HERE.

11:32AM 23 THE COURT: AND CAN YOU BE FAIR TO THE GOVERNMENT?

11:32AM 24 PROSPECTIVE JUROR: YES.

11:32AM 25 THE COURT: OKAY. THANK YOU VERY MUCH. THANK YOU.



11:32AM 1 AND I THINK THERE'S -- YES, GOOD MORNING.

11:32AM 2 PROSPECTIVE JUROR: I'M JUROR 133.

11:32AM 3 THE COURT: YES.

11:32AM 4 PROSPECTIVE JUROR: I DO NOT FOLLOW THE NEWS

11:33AM 5 RELIGIOUSLY LIKE ALL OF THESE OTHER PEOPLE DO, BUT I HAVE A

11:33AM 6 VAGUE MEMORY OF, LIKE, COMING ACROSS SOMETHING ABOUT

11:33AM 7 ELIZABETH HOLMES, LIKE PROBABLY WHEN I WAS SCROLLING FACEBOOK

11:33AM 8 OR SOMETHING. IT WAS LIKE ONE OF THOSE LIKE YOU MIGHT BE

11:33AM 9 INTERESTED KIND OF THINGS.

11:33AM 10 THE COURT: OKAY.

11:33AM 11 PROSPECTIVE JUROR: YEAH.

11:33AM 12 THE COURT: AND HOW LONG AGO -- DO YOU HAVE

11:33AM 13 RECOLLECTION OF WHEN THAT WAS, TIMING WAS?

11:33AM 14 PROSPECTIVE JUROR: IT WAS A COUPLE MONTHS AGO.

11:33AM 15 THE COURT: OKAY. OKAY.

11:33AM 16 SO YOU, YOU DID NOT FOLLOW THE CASE?

11:33AM 17 PROSPECTIVE JUROR: NO.

11:33AM 18 THE COURT: AND DO YOU HAVE ANY OTHER KNOWLEDGE

11:33AM 19 ABOUT THE CASE OTHER THAN THIS EXPOSURE THAT YOU'VE MENTIONED?

11:33AM 20 PROSPECTIVE JUROR: POTENTIALLY SOMETHING ELSE, BUT

11:33AM 21 I CAN -- I'LL TALK TO YOU IN PRIVATE ABOUT IT.

11:33AM 22 THE COURT: OH, YOU WANT TO TALK PRIVATE ABOUT THAT?

11:33AM 23 SURE.

11:33AM 24 PROSPECTIVE JUROR: BECAUSE IT MIGHT ALSO NOT BE THE

11:33AM 25 SAME THING, BUT JUST THE NAME ELIZABETH HOLMES KIND OF RANG A

11:33AM 1 BELL.

11:33AM 2 THE COURT: THE NAME ELIZABETH HOLMES?

11:33AM 3 PROSPECTIVE JUROR: YEAH.

11:33AM 4 THE COURT: OKAY.

11:33AM 5 PROSPECTIVE JUROR: IT ALSO COULD HAVE BEEN A NAME

11:33AM 6 THAT IS, LIKE, SIMILAR. BUT I'M NOT VERY GOOD WITH NAMES.

11:33AM 7 THE COURT: OKAY. ALL RIGHT. THANK YOU.

11:34AM 8 WE'LL SEE WHAT WE CAN DO ABOUT THAT.

11:34AM 9 PROSPECTIVE JUROR: HI. JUROR 125.

11:34AM 10 THE COURT: YES, GOOD MORNING.

11:34AM 11 PROSPECTIVE JUROR: I HEARD IT THROUGH THE NEWS, NOT

11:34AM 12 NPR, BUT JUST THE LOCAL RADIO NEWS AT 7:40 A.M., AND IT'S IN

11:34AM 13 BETWEEN DROPPING THE KIDS OFF AT SCHOOL AND PICKING THEM AND

11:34AM 14 DROPPING THEM OFF AT THEIR AFTER SCHOOL ACTIVITIES.

11:34AM 15 THE COURT: YES.

11:34AM 16 PROSPECTIVE JUROR: AND I SAW AN INFOMERCIAL, A

11:34AM 17 COMMERCIAL -- I CAN'T REMEMBER -- BUT ON "THE DROPOUT," THE

11:34AM 18 MOVIE.

11:34AM 19 THE COURT: OKAY.

11:34AM 20 PROSPECTIVE JUROR: I DID NOT PURSUE ANY OF THOSE

11:34AM 21 THINGS.

11:34AM 22 THE COURT: YOU DIDN'T WATCH IT?

11:34AM 23 PROSPECTIVE JUROR: NO, NO.

11:34AM 24 THE COURT: AND YOU DIDN'T DO ANY ADDITIONAL

11:34AM 25 READING?

11:34AM 1 PROSPECTIVE JUROR: NO. RIGHT.

11:34AM 2 THE COURT: AND YOU HEARD THE OCCASIONAL NEWS REPORT  
11:34AM 3 ABOUT THE CASE?

11:34AM 4 PROSPECTIVE JUROR: JUST THE RADIO. THE KIDS KEEP  
11:34AM 5 ME PRETTY BUSY.

11:34AM 6 THE COURT: YES. OKAY.

11:34AM 7 AND WHAT IS THE MOST -- CAN YOU TELL US THE MOST RECENT  
11:34AM 8 INFORMATION, NOT WHAT THE INFORMATION WAS, BUT YOUR MOST RECENT  
11:35AM 9 EXPOSURE TO INFORMATION ABOUT THE CASE?

11:35AM 10 PROSPECTIVE JUROR: IT WAS JUST TWO WEEKS AGO WHEN  
11:35AM 11 THEY ANNOUNCED THAT THERE WAS GOING TO BE A LAWSUIT AGAINST  
11:35AM 12 MR. BALWANI.

11:35AM 13 THE COURT: OKAY. YOU HEARD THAT SOMEWHERE?

11:35AM 14 PROSPECTIVE JUROR: THE RADIO.

11:35AM 15 THE COURT: I SEE. OKAY.

11:35AM 16 WAS IT ABOUT THIS TRIAL, THAT THE TRIAL WAS GOING TO  
11:35AM 17 HAPPEN?

11:35AM 18 PROSPECTIVE JUROR: YES.

11:35AM 19 THE COURT: NOT ABOUT A LAWSUIT, BUT ABOUT THIS  
11:35AM 20 TRIAL?

11:35AM 21 PROSPECTIVE JUROR: CORRECT.

11:35AM 22 THE COURT: I SUPPOSE THIS IS A LAWSUIT. OKAY.

11:35AM 23 AND LET ME ASK YOU THE SAME QUESTION. IS THERE ANYTHING  
11:35AM 24 ABOUT YOUR UNIVERSE OF KNOWLEDGE THAT YOU'VE BEEN EXPOSED TO  
11:35AM 25 THAT YOU THINK WILL IMPAIR OR AFFECT YOUR ABILITY TO BE FAIR

11:35AM 1 AND IMPARTIAL TO BOTH SIDES?

11:35AM 2 PROSPECTIVE JUROR: NO.

11:35AM 3 THE COURT: CAN YOU BE FAIR TO MR. BALWANI?

11:35AM 4 PROSPECTIVE JUROR: YES.

11:35AM 5 THE COURT: AND CAN YOU BE FAIR TO THE GOVERNMENT?

11:35AM 6 PROSPECTIVE JUROR: YES.

11:35AM 7 THE COURT: OKAY. ANY DOUBT ABOUT THAT?

11:35AM 8 PROSPECTIVE JUROR: NO.

11:35AM 9 THE COURT: OKAY. THANK YOU VERY MUCH.

11:35AM 10 AND I KNOW THERE WERE SOME HANDS BEHIND YOU AS WELL.

11:36AM 11 PROSPECTIVE JUROR: JUROR 143.

11:36AM 12 THE COURT: YES.

11:36AM 13 PROSPECTIVE JUROR: IF WE'RE TALKING SPECIFICALLY

11:36AM 14 ABOUT NEWS, THEN NOTHING.

11:36AM 15 BUT I DID WATCH THE HBO DOCUMENTARY ABOUT TWO YEARS AGO.

11:36AM 16 THE COURT: OKAY.

11:36AM 17 PROSPECTIVE JUROR: I WOULDN'T CALL IT NEWS.

11:36AM 18 ANYBODY CAN MAKE A DOCUMENTARY.

11:36AM 19 THE COURT: OKAY. IS THAT THE MOST RECENT EXPOSURE

11:36AM 20 THAT YOU HAVE HAD?

11:36AM 21 PROSPECTIVE JUROR: YES. I HAVE HEARD NOTHING

11:36AM 22 SINCE.

11:36AM 23 THE COURT: AND DO YOU REMEMBER ANYTHING IN

11:36AM 24 PARTICULAR SPECIFIC ABOUT THAT? I'M NOT ASKING YOU WHAT IT IS,

11:36AM 25 BUT JUST IF YOU HAVE ANYTHING THAT STICKS IN YOUR MIND ABOUT

11:36AM 1 SOMETHING?

11:36AM 2 PROSPECTIVE JUROR: OH, I REMEMBER THE WHOLE

11:36AM 3 STORYLINE, YES.

11:36AM 4 THE COURT: ALL RIGHT. OKAY. AND THAT WAS THE LAST  
11:36AM 5 TIME -- I THINK YOU TOLD ME THAT WAS THE LAST EXPOSURE THAT YOU  
11:36AM 6 HAD?

11:36AM 7 PROSPECTIVE JUROR: CORRECT.

11:36AM 8 THE COURT: OKAY. WELL, BASED ON THAT, YOUR  
11:36AM 9 WATCHING THAT HBO, WHATEVER THAT WAS, AND ANY OTHER EXPOSURE  
11:36AM 10 THAT YOU'VE HAD TO THE CASE, CAN YOU ANSWER MY QUESTION ABOUT  
11:36AM 11 WHETHER YOU THINK ANY OF THAT WILL AFFECT OR IMPAIR YOUR  
11:37AM 12 ABILITY TO BE A FAIR AND IMPARTIAL JUROR TO BOTH SIDES?

11:37AM 13 PROSPECTIVE JUROR: NO, NOT AT ALL.

11:37AM 14 THE COURT: OKAY. YOU COULD BE FAIR TO MR. BALWANI?

11:37AM 15 PROSPECTIVE JUROR: I COULD BE VERY FAIR TO

11:37AM 16 MR. BALWANI.

11:37AM 17 THE COURT: AND THE GOVERNMENT?

11:37AM 18 PROSPECTIVE JUROR: UH-HUH.

11:37AM 19 THE COURT: OKAY. AND WHAT ABOUT -- YOU WATCHED  
11:37AM 20 THIS SHOW, AND I DON'T KNOW HOW LONG IT WAS, AND YOU TOLD US  
11:37AM 21 YOU REMEMBER ABOUT IT.

11:37AM 22 HOW IS IT THAT YOU CAN PUT ASIDE ALL OF THAT AND LISTEN TO  
11:37AM 23 THE EVIDENCE IN THIS CASE FRESH AND CLEAN WITHOUT HAVING THAT  
11:37AM 24 INTERFERE WITH YOUR THOUGHT PROCESS?

11:37AM 25 IS THAT SOMETHING THAT YOU THINK YOU CAN DO?

11:37AM 1 PROSPECTIVE JUROR: OH, DEFINITELY. I MEAN, A  
11:37AM 2 DOCUMENTARY IS MADE BY A FILMMAKER AND THAT'S ONE SIDE OF THE  
11:37AM 3 STORY.

11:37AM 4 THE COURT: OKAY. OKAY.

11:37AM 5 AND I THINK YOUR ANSWER SUGGESTS THAT IN A JURY TRIAL  
11:37AM 6 THERE'S ACTUALLY -- THERE COULD BE TWO SIDES TO A STORY. THE  
11:37AM 7 GOVERNMENT HAS TO PRESENT THEIR EVIDENCE. YOU'VE HEARD ME TALK  
11:37AM 8 ABOUT THE PRESUMPTION OF INNOCENCE.

11:37AM 9 PROSPECTIVE JUROR: CORRECT.

11:37AM 10 THE COURT: AND DO YOU HAVE ANY PROBLEM PRESUMING  
11:37AM 11 MR. BALWANI INNOCENT AS HE SITS HERE RIGHT NOW?

11:38AM 12 PROSPECTIVE JUROR: NO, NOT AT ALL.

11:38AM 13 THE COURT: OKAY. GREAT.

11:38AM 14 ANYTHING ELSE YOU WANT US TO KNOW?

11:38AM 15 PROSPECTIVE JUROR: THAT'S ALL. THANK YOU.

11:38AM 16 THE COURT: OKAY. THANK YOU.

11:38AM 17 ANY -- NEXT PERSON, PLEASE.

11:38AM 18 PROSPECTIVE JUROR: 161.

11:38AM 19 THE COURT: YES.

11:38AM 20 PROSPECTIVE JUROR: AND I WATCHED ON EVENING NEWS,  
11:38AM 21 NBC 5:00 O'CLOCK NEWS, 5:30.

11:38AM 22 THE COURT: OH, WELL, THAT'S VERY SPECIFIC. THANK  
11:38AM 23 YOU, YES. AND YOU SAW COVERAGE OF THE CASE?

11:38AM 24 PROSPECTIVE JUROR: YEAH.

11:38AM 25 THE COURT: OKAY. WAS THAT EVERY DAY, OR JUST

11:38AM 1 OCCASIONALLY?

11:38AM 2 PROSPECTIVE JUROR: MAYBE ONE OR TWO TIMES.

11:38AM 3 THE COURT: ANYTHING ELSE? ANY OTHER EXPOSURE?

11:38AM 4 PROSPECTIVE JUROR: NO. JUST, LIKE, SOMETHING OF  
11:38AM 5 INTEREST POPPED UP AND I WAS WATCHING SOME VIDEO, BUT I DIDN'T  
11:38AM 6 CLICK. I JUST SAW THE HEADING, BUT I DID SEE THAT.

11:38AM 7 THE COURT: I SEE. OKAY.

11:38AM 8 AND WHEN WAS THE MOST RECENT NBC NEWS THAT YOU SAW ABOUT  
11:39AM 9 THIS? WHEN DO YOU THINK THAT WAS?

11:39AM 10 PROSPECTIVE JUROR: A COUPLE OF MONTHS BACK -- YEAH,  
11:39AM 11 A COUPLE --

11:39AM 12 THE COURT: A COUPLE OF YEARS?

11:39AM 13 PROSPECTIVE JUROR: A COUPLE OF MONTHS.

11:39AM 14 THE COURT: A COUPLE OF MONTHS. I'M SORRY.

11:39AM 15 WELL, LET ME ASK YOU THE SAME QUESTION, JUROR 161. IS  
11:39AM 16 THERE ANYTHING ABOUT YOUR KNOWLEDGE, YOUR EXPOSURE OF  
11:39AM 17 INFORMATION THAT YOU THINK WILL AFFECT YOUR ABILITY TO BE FAIR  
11:39AM 18 AND IMPARTIAL TO BOTH SIDES HERE?

11:39AM 19 PROSPECTIVE JUROR: I'D LIKE TO SAY NO.

11:39AM 20 THE COURT: OKAY.

11:39AM 21 PROSPECTIVE JUROR: YEAH.

11:39AM 22 THE COURT: CAN YOU BE FAIR TO MR. BALWANI?

11:39AM 23 PROSPECTIVE JUROR: I'LL TRY. I HAVEN'T BEEN IN  
11:39AM 24 THIS SITUATION, SO I DON'T KNOW WHAT TO -- HOW TO SAY.

11:39AM 25 THE COURT: YES.

11:39AM 1 PROSPECTIVE JUROR: BUT THERE'S NO PERFECT YES OR  
11:39AM 2 PERFECT NO, SO I CAN SAY I'LL TRY.

11:39AM 3 THE COURT: OKAY. THIS IS YOUR FIRST TIME BEING  
11:39AM 4 CALLED AS A JUROR; IS THAT RIGHT?

11:39AM 5 PROSPECTIVE JUROR: YES.

11:40AM 6 THE COURT: I SEE. AND YOU HEARD ME TALK ABOUT WHAT  
11:40AM 7 THIS PROCESS, THIS CONVERSATION IS ABOUT IS TO TRY TO SECURE  
11:40AM 8 FAIR JURORS IN THIS CASE?

11:40AM 9 PROSPECTIVE JUROR: YES.

11:40AM 10 THE COURT: AND THAT'S WHY I ASKED THAT QUESTION.

11:40AM 11 PROSPECTIVE JUROR: YES. I DO WANT TO SAY EITHER  
11:40AM 12 YES OR EITHER NO, BUT I'M NOT SURE.

11:40AM 13 THE COURT: OKAY. AND IS THAT BECAUSE OF WHAT  
11:40AM 14 YOU'VE SEEN AND YOU KNOW ABOUT THIS CASE, OR SOME OTHER REASON?

11:40AM 15 PROSPECTIVE JUROR: MAYBE NOT BEING IN A SITUATION  
11:40AM 16 WHERE I HAVE TO, WHERE I AM RIGHT NOW.

11:40AM 17 THE COURT: I SEE. ARE YOU NERVOUS RIGHT NOW?

11:40AM 18 PROSPECTIVE JUROR: I'M SORRY?

11:40AM 19 THE COURT: ARE YOU NERVOUS RIGHT NOW? ARE YOU A  
11:40AM 20 LITTLE --

11:40AM 21 PROSPECTIVE JUROR: KIND OF.

11:40AM 22 THE COURT: YES. IT'S DIFFICULT TO TALK IN A ROOM  
11:40AM 23 FULL OF PEOPLE AND STRANGERS, I UNDERSTAND THAT. I'M GRATEFUL  
11:40AM 24 FOR OUR CONVERSATION THIS MORNING. THANK YOU FOR THAT.

11:41AM 25 OKAY. ANYTHING ELSE YOU WOULD LIKE US TO KNOW?



11:41AM 1 PROSPECTIVE JUROR: NO.

11:41AM 2 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

11:41AM 3 PROSPECTIVE JUROR: HELLO, YOUR HONOR. I'M

11:41AM 4 JUROR 167.

11:41AM 5 THE COURT: YES. THANK YOU.

11:41AM 6 PROSPECTIVE JUROR: SO THE SOURCES WOULD PROBABLY BE

11:41AM 7 ON TWO OCCASIONS. SO I BRIEFLY SCANNED "FORTUNE 500" ABOUT

11:41AM 8 ELIZABETH HOLMES; AND THEN AFTER THAT, IT WOULD BE WHEN ALL OF

11:41AM 9 THE NEWS CAME OUT ABOUT THERANOS AND --

11:41AM 10 THE COURT: OKAY. WHEN WOULD THAT HAVE BEEN? TIME

11:41AM 11 STAMP THAT FOR ME.

11:41AM 12 PROSPECTIVE JUROR: I WOULD SAY ABOUT A YEAR AGO.

11:41AM 13 THE COURT: OKAY. ALL RIGHT.

11:41AM 14 AND YOU'RE SCANNING "FORTUNE 500," WAS THAT THE SAME

11:41AM 15 TIMEFRAME?

11:41AM 16 PROSPECTIVE JUROR: THAT WOULD HAVE BEEN A LITTLE

11:41AM 17 BIT PRIOR TO THAT.

11:41AM 18 THE COURT: OKAY. OKAY.

11:41AM 19 PROSPECTIVE JUROR: PROBABLY LIKE THREE OR FOUR

11:41AM 20 MONTHS PRIOR TO THAT.

11:41AM 21 THE COURT: OKAY. IS THAT THE UNIVERSE OF KNOWLEDGE

11:42AM 22 OF YOUR EXPOSURE TO THE CASE?

11:42AM 23 PROSPECTIVE JUROR: OTHER THAN THAT, THE NEWS

11:42AM 24 THROUGH, LIKE, YOUTUBE, MSNBC, CNN, THOSE SOURCES.

11:42AM 25 THE COURT: OKAY. DID YOU FOLLOW THE CASE?

11:42AM 1 PROSPECTIVE JUROR: NO, I DID NOT GET ANY UPDATE  
11:42AM 2 AFTER THE TYPICAL HEADLINES --  
11:42AM 3 THE COURT: OKAY.  
11:42AM 4 PROSPECTIVE JUROR: -- AND BREAKING NEWS.  
11:42AM 5 THE COURT: SURE. ALL RIGHT.  
11:42AM 6 SO LET ME ASK YOU THE QUESTION. BASED ON YOUR UNIVERSE OF  
11:42AM 7 KNOWLEDGE OF THE CASE, IS THERE ANYTHING ABOUT THAT THAT YOU  
11:42AM 8 THINK WILL AFFECT OR IMPAIR YOUR ABILITY TO BE FAIR AND  
11:42AM 9 IMPARTIAL TO BOTH SIDES?  
11:42AM 10 PROSPECTIVE JUROR: NO, YOUR HONOR.  
11:42AM 11 THE COURT: CAN YOU BE FAIR TO MR. BALWANI?  
11:42AM 12 PROSPECTIVE JUROR: YES.  
11:42AM 13 THE COURT: DO YOU HAVE ANY PROBLEM PRESUMING HIM TO  
11:42AM 14 BE INNOCENT AS HE SITS HERE TODAY?  
11:42AM 15 PROSPECTIVE JUROR: NO.  
11:42AM 16 THE COURT: ANY QUARREL WITH THAT?  
11:42AM 17 PROSPECTIVE JUROR: NO.  
11:42AM 18 THE COURT: OKAY. CAN YOU BE FAIR TO THE  
11:42AM 19 GOVERNMENT?  
11:42AM 20 PROSPECTIVE JUROR: YES.  
11:42AM 21 THE COURT: OKAY. THANK YOU.  
11:42AM 22 PROSPECTIVE JUROR: JUROR 165.  
11:42AM 23 THE COURT: YES.  
11:42AM 24 PROSPECTIVE JUROR: LIKE MOST OF THE OTHER JURORS  
11:42AM 25 HAVE STATED, NPR, CNN, THOSE SORTS OF SOURCES.

11:43AM 1 I ALSO SAW THE HEADLINE FROM WHEN ELIZABETH HOLMES --

11:43AM 2 THE COURT: IN THE TRIAL OF THE OTHER CASE?

11:43AM 3 PROSPECTIVE JUROR: -- WHEN SHE WAS --

11:43AM 4 THE COURT: IN HER CASE?

11:43AM 5 PROSPECTIVE JUROR: YEAH, IN HER CASE.

11:43AM 6 THE COURT: AND WHAT IS THE MOST RECENT EXPOSURE

11:43AM 7 TIME STAMP-WISE?

11:43AM 8 PROSPECTIVE JUROR: A FEW MONTHS AGO.

11:43AM 9 THE COURT: OKAY.

11:43AM 10 PROSPECTIVE JUROR: AND THEN ALSO WHEN THE HULU SHOW

11:43AM 11 WAS COMING OUT, TRAILERS FOR THAT.

11:43AM 12 THE COURT: OKAY.

11:43AM 13 PROSPECTIVE JUROR: AND THAT KIND OF --

11:43AM 14 THE COURT: DID YOU SEE THE -- DID YOU WATCH THE

11:43AM 15 HULU?

11:43AM 16 PROSPECTIVE JUROR: I HAVE NOT. I STARTED WATCHING,

11:43AM 17 BUT I KIND OF JUST GOT BORED AND STOPPED, SO I ONLY WATCHED THE

11:43AM 18 FIRST EPISODE.

11:43AM 19 THE COURT: ALL RIGHT.

11:43AM 20 PROSPECTIVE JUROR: AND ALSO THINGS LIKE REDDIT, THE

11:43AM 21 CONVICTION FOR --

11:43AM 22 THE COURT: EXCUSE ME. REDDIT, WHEN WAS THAT?

11:43AM 23 PROSPECTIVE JUROR: THAT WAS --

11:43AM 24 THE COURT: I'M NOT ASKING YOU WHAT YOU SAW.

11:43AM 25 PROSPECTIVE JUROR: YEAH, YEAH.

11:43AM 1 THE COURT: I JUST WANT TO KNOW THE TIME STAMP.

11:43AM 2 PROSPECTIVE JUROR: ABOUT A YEAR AGO --

11:43AM 3 THE COURT: OKAY.

11:43AM 4 PROSPECTIVE JUROR: -- WHEN THE OTHER CASE WAS

11:43AM 5 HAPPENING.

11:43AM 6 THE COURT: OKAY. I SEE. I SEE.

11:44AM 7 ANYTHING ELSE?

11:44AM 8 PROSPECTIVE JUROR: THAT'S ABOUT -- THAT ABOUT

11:44AM 9 COVERS IT.

11:44AM 10 THE COURT: OKAY. AND LET ME ASK YOU THE QUESTION.

11:44AM 11 IS THERE ANYTHING ABOUT YOUR UNIVERSE OF KNOWLEDGE THAT YOU

11:44AM 12 THINK WILL IMPAIR YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH

11:44AM 13 SIDES HERE?

11:44AM 14 PROSPECTIVE JUROR: NO.

11:44AM 15 THE COURT: OKAY. YOU'RE CERTAIN OF THAT?

11:44AM 16 PROSPECTIVE JUROR: YES.

11:44AM 17 THE COURT: OKAY. ANY DOUBT IN YOUR MIND ABOUT

11:44AM 18 THAT?

11:44AM 19 PROSPECTIVE JUROR: NO.

11:44AM 20 THE COURT: CAN YOU BE A FAIR JUROR TO MR. BALWANI?

11:44AM 21 PROSPECTIVE JUROR: YES.

11:44AM 22 THE COURT: ANY DOUBT IN YOUR MIND ABOUT THAT?

11:44AM 23 PROSPECTIVE JUROR: NO.

11:44AM 24 THE COURT: AND THIS IS, AGAIN, BASED ON ALL THAT

11:44AM 25 YOU'VE SEEN, HEARD, READ ABOUT IN THE PAST?

11:44AM 1 PROSPECTIVE JUROR: I JUST THINK ABOUT IF I WERE IN  
11:44AM 2 HIS POSITION, I WOULD WANT TO MAKE SURE ALL OF THE FACTS COME  
11:44AM 3 OUT AND LISTEN TO THEM, NOT JUST WHAT I HEAR SOMEONE TYPE WHO  
11:44AM 4 THEY MIGHT HAVE A BIAS OR INTEREST.

11:44AM 5 SO THOSE HEADLINES ARE HEADLINES, THEY MIGHT GIVE YOU A  
11:44AM 6 LITTLE GLIMPSE, BUT THEY'RE DEFINITELY NOT THE WHOLE STORY.

11:44AM 7 THE COURT: SO ARE YOU THAT PERSON THAT COULD BE  
11:44AM 8 FAIR AND PUT ALL OF THAT INFORMATION ASIDE?

11:44AM 9 PROSPECTIVE JUROR: I THINK SO.

11:45AM 10 THE COURT: CAN YOU BE FAIR TO MR. BALWANI AS YOU  
11:45AM 11 LOOK AT HIM TODAY?

11:45AM 12 PROSPECTIVE JUROR: YES.

11:45AM 13 THE COURT: ANY DOUBT IN YOUR MIND ABOUT THAT?

11:45AM 14 PROSPECTIVE JUROR: NO.

11:45AM 15 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?

11:45AM 16 PROSPECTIVE JUROR: YES.

11:45AM 17 THE COURT: AND ANY DOUBT ABOUT THAT?

11:45AM 18 PROSPECTIVE JUROR: NO.

11:45AM 19 THE COURT: AND WILL YOU -- AND I EXPECT YOU'RE  
11:45AM 20 BEING HONEST WITH US THIS MORNING. WILL YOU HAVE DIFFICULTY  
11:45AM 21 PUTTING ASIDE ANYTHING YOU'VE LISTENED TO READ OR TALKED ABOUT  
11:45AM 22 THIS CASE OR THE OTHER CASE, WILL YOU HAVE ANY DIFFICULTY  
11:45AM 23 PUTTING THAT ASIDE AS YOU SIT AS A JUROR IN THIS CASE AND HEAR  
11:45AM 24 THE EVIDENCE IN THIS CASE?

11:45AM 25 PROSPECTIVE JUROR: I DON'T THINK SO.

11:45AM 1 THE COURT: CAN YOU DECIDE THIS CASE ON THE EVIDENCE  
11:45AM 2 YOU HEAR IN THIS COURTROOM AND NOT ANYTHING OUTSIDE OF THIS  
11:45AM 3 COURTROOM? CAN YOU DO THAT?

11:45AM 4 PROSPECTIVE JUROR: YES.

11:45AM 5 THE COURT: THAT'S WHAT I'M GOING TO ASK EVERY JUROR  
11:45AM 6 WHO SITS IN THIS CASE, YOU SEE. I THINK YOU RECOGNIZE HOW  
11:45AM 7 UNFAIR IT WOULD BE TO THE PARTIES, TO BOTH SIDES, IF A JUROR  
11:45AM 8 WERE SEATED IN THIS CASE AND THEY MADE A DECISION ON SOMETHING  
11:46AM 9 THAT THAT THEY HEARD OUTSIDE, SOMETHING THEIR UNCLE CHARLIE  
11:46AM 10 TOLD THEM, SOMETHING THAT THEY READ, SOMETHING THAT SOMEONE  
11:46AM 11 ELSE TOLD THEM THAT WAS OUTSIDE OF THIS COURTROOM WHERE THE  
11:46AM 12 LAWYERS DIDN'T HAVE A CHANCE TO TEST, TEST THE EVIDENCE, WHERE  
11:46AM 13 I DIDN'T HAVE A CHANCE TO RULE ON ITS ADMISSIBILITY OR NOT.

11:46AM 14 YOU SEE, THERE'S AN INHERENT UNFAIRNESS IN THAT, AND THAT  
11:46AM 15 IS WHAT IS SO IMPORTANT AND PRECIOUS ABOUT OUR TRIAL SYSTEM.

11:46AM 16 THE TRIAL PROCESS TESTS THE EVIDENCE, THESE LAWYERS HAVE  
11:46AM 17 THE OPPORTUNITY TO ASK QUESTIONS, AND I, AS THE JUDGE, HAVE THE  
11:46AM 18 OPPORTUNITY TO RULE ON WHETHER OR NOT SOMETHING IS ADMISSIBLE,  
11:46AM 19 SOMETHING SHOULD COME IN, SOMETHING SHOULD NOT COME IN, HOW  
11:46AM 20 MUCH, HOW LITTLE.

11:46AM 21 THOSE ARE THE TYPES OF THINGS THAT THE TRIAL PROCESS USES  
11:46AM 22 TO BENEFIT THE JURY FOR THEIR DELIBERATIONS.

11:46AM 23 I CAN'T BE OUTSIDE AND MAKE -- RULE ON AN OBJECTION IN A  
11:46AM 24 PARKING LOT OR IN A RESTAURANT. THESE LAWYERS CAN'T BE THERE  
11:47AM 25 TO CHALLENGE WHATEVER IS SAID OR HEARD.

11:47AM 1 THAT'S WHY, IN THE SANCTITY OF THIS COURTROOM, THE  
11:47AM 2 EVIDENCE THAT IS DEVELOPED HERE IS THE UNIVERSE OF KNOWLEDGE --  
11:47AM 3 I'VE USED THAT PHRASE -- THE UNIVERSE OF KNOWLEDGE THAT THE  
11:47AM 4 JURY WILL USE TO MAKE THEIR DECISION, NOT ANYTHING OUTSIDE.

11:47AM 5 DO YOU UNDERSTAND THAT CONCEPT?

11:47AM 6 PROSPECTIVE JUROR: YES.

11:47AM 7 THE COURT: AND DO YOU HAVE ANY QUARREL WITH THAT  
11:47AM 8 CONCEPT?

11:47AM 9 PROSPECTIVE JUROR: NO.

11:47AM 10 THE COURT: OKAY. THANK YOU.

11:47AM 11 THANK YOU, JUROR NUMBER 165. THANK YOU FOR LETTING ME USE  
11:47AM 12 YOU AS A TOOL TO MAKE THAT EXPLANATION FOR YOUR COLLEAGUES.

11:47AM 13 WHO IS NEXT? WHO HAS THE MICROPHONE?

11:47AM 14 PROSPECTIVE JUROR: I'M 180.

11:47AM 15 THE COURT: WHERE ARE YOU? MY GOODNESS.

11:47AM 16 PROSPECTIVE JUROR: I CAN STAND UP.

11:47AM 17 THE COURT: OH, NO, I SEE YOU. PARDON ME.

11:47AM 18 PROSPECTIVE JUROR: I WOULD SAY THAT I FOLLOWED THE  
11:47AM 19 PREVIOUS CASE.

11:47AM 20 THE COURT: OKAY.

11:47AM 21 PROSPECTIVE JUROR: I HAVEN'T SOUGHT OUT  
11:47AM 22 INFORMATION, BUT I'VE TEXTED FAMILY, FRIENDS, COWORKERS,  
11:48AM 23 ARTICLES.

11:48AM 24 THE COURT: OH, YOU'VE SHARED ARTICLES?

11:48AM 25 PROSPECTIVE JUROR: YES.

11:48AM 1 THE COURT: YOU'VE SHARED OR SENT ARTICLES TO  
11:48AM 2 OTHERS?  
11:48AM 3 PROSPECTIVE JUROR: OR RECEIVED THEM. I DON'T  
11:48AM 4 REMEMBER.  
11:48AM 5 THE COURT: I SEE.  
11:48AM 6 PROSPECTIVE JUROR: I'VE WATCHED THE HBO DOCUMENTARY  
11:48AM 7 MAYBE A YEAR AGO --  
11:48AM 8 THE COURT: OKAY.  
11:48AM 9 PROSPECTIVE JUROR: -- WHENEVER THAT CAME OUT. I'VE  
11:48AM 10 WATCHED CNBC.  
11:48AM 11 THE COURT: OKAY.  
11:48AM 12 PROSPECTIVE JUROR: I THINK THERE WAS A SHORT  
11:48AM 13 DOCUMENT AROUND THERE.  
11:48AM 14 AND I'VE WATCHED THE HULU TRAILER.  
11:48AM 15 THE COURT: OKAY.  
11:48AM 16 PROSPECTIVE JUROR: SINCE I FILLED OUT THE  
11:48AM 17 QUESTIONNAIRE AND SINCE I WAS SUMMONED, I HAVE NOT LOOKED AT  
11:48AM 18 ANYTHING ON PURPOSE, BUT --  
11:48AM 19 THE COURT: OKAY. WELL, THANK YOU. THANK YOU FOR  
11:48AM 20 THAT.  
11:48AM 21 SO THE FIRST THING YOU SAID WAS THAT I FOLLOWED THE CASE.  
11:48AM 22 IS THAT --  
11:48AM 23 PROSPECTIVE JUROR: YEAH. SO WHEN THE VERDICT CAME  
11:48AM 24 OUT --  
11:48AM 25 THE COURT: I'M NOT GOING TO ASK YOU WHAT YOU



11:48AM 1 FOLLOWED.

11:48AM 2 PROSPECTIVE JUROR: YEAH, UH-HUH.

11:48AM 3 THE COURT: AND SO YOU FOLLOWED THE CASE?

11:48AM 4 PROSPECTIVE JUROR: YES.

11:48AM 5 THE COURT: SO YOU HAD INTEREST IN THE CASE?

11:48AM 6 PROSPECTIVE JUROR: UH-HUH, YOU COULD SAY THAT, YEP.

11:48AM 7 THE COURT: RIGHT. OKAY.

11:48AM 8 SO LET ME ASK YOU THAT QUESTION THEN. BASED ON YOUR

11:49AM 9 UNIVERSE OF KNOWLEDGE, DO YOU THINK THAT YOU COULD BE A FAIR

11:49AM 10 AND IMPARTIAL JUROR TO BOTH SIDES HERE?

11:49AM 11 PROSPECTIVE JUROR: I DON'T THINK SO.

11:49AM 12 THE COURT: RIGHT. OKAY.

11:49AM 13 PROSPECTIVE JUROR: I'VE SERVED ON A JURY BEFORE.

11:49AM 14 THE COURT: UH-HUH.

11:49AM 15 PROSPECTIVE JUROR: AND KNOWING HOW I FELT GOING

11:49AM 16 INTO THAT CASE --

11:49AM 17 THE COURT: UH-HUH.

11:49AM 18 PROSPECTIVE JUROR: -- COMPLETELY UNBIASED AND NO

11:49AM 19 EXPOSURE --

11:49AM 20 THE COURT: SURE.

11:49AM 21 PROSPECTIVE JUROR: -- I DON'T FEEL THAT WAY GOING

11:49AM 22 INTO THIS.

11:49AM 23 THE COURT: I SEE. YOU HEARD ME TALK TO OTHERS AND

11:49AM 24 YOU HEARD ME SAY THIS SEARCH IS A SEARCH FOR FAIR AND IMPARTIAL

11:49AM 25 JURORS, AND PART OF THAT IS -- IT'S NOT A PERSONAL DECISION

11:49AM 1 LIKE THIS IS A BAD PERSON, THIS IS A GOOD PERSON. IT'S NOT  
11:49AM 2 THAT.

11:49AM 3 REALLY THE SEARCH IS, IS THIS THE RIGHT CASE FOR THIS  
11:49AM 4 PARTICULAR JUROR? THAT'S REALLY WHAT WE'RE LOOKING AT.

11:49AM 5 WHAT I HEAR YOU SAYING, JUROR NUMBER 180, IS THAT BASED ON  
11:49AM 6 YOUR UNIVERSE OF KNOWLEDGE, THIS MIGHT NOT BE THE RIGHT CASE  
11:49AM 7 FOR YOU.

11:49AM 8 PROSPECTIVE JUROR: YES.

11:49AM 9 THE COURT: IS THAT A FAIR ASSESSMENT?

11:49AM 10 PROSPECTIVE JUROR: YES.

11:49AM 11 THE COURT: THANK YOU. I APPRECIATE YOUR CANDOR.

11:50AM 12 THANK YOU.

11:50AM 13 PROSPECTIVE JUROR: THANK YOU.

11:50AM 14 THE COURT: YOU'RE WELCOME.

11:50AM 15 HELLO. THANK YOU. GOOD MORNING. I THINK IT'S WORKING.

11:50AM 16 I THINK WE HEARD YOU.

11:50AM 17 PROSPECTIVE JUROR: OH, YOU HEARD IT?

11:50AM 18 THE COURT: YES.

11:50AM 19 PROSPECTIVE JUROR: 174. I HAVE BEEN A BIT REMOVED  
11:50AM 20 FROM THE NEWS FOR A WHILE SO I HAVEN'T HEARD ANYTHING IN THAT,  
11:50AM 21 BUT I HAVE OVERHEARD FAMILY MEMBERS THAT I HAVE HEARD TALKING  
11:50AM 22 ABOUT IT AND THEY ARE --

11:50AM 23 THE COURT: THEY HAVE OPINIONS?

11:50AM 24 PROSPECTIVE JUROR: THEY HAVE OPINIONS AND  
11:50AM 25 THEY'RE --

11:50AM 1 THE COURT: I DON'T NEED TO KNOW WHAT THEIR OPINIONS  
11:50AM 2 ARE.

11:50AM 3 PROSPECTIVE JUROR: JUST THE RELATION THAT THEY HAVE  
11:50AM 4 TO THE SIMILAR INDUSTRY IS KIND OF SOMETHING THAT SWAYS ME AND  
11:50AM 5 THEIR EXPERTISE IN THAT.

11:50AM 6 THE COURT: I SEE.

11:50AM 7 AND YOU'VE TALKED WITH YOUR FAMILY MEMBERS AND THEY HAVE  
11:50AM 8 KNOWLEDGE ABOUT THE CASE AND THEY'VE SHARED THEIR THOUGHTS WITH  
11:50AM 9 YOU?

11:50AM 10 PROSPECTIVE JUROR: YES.

11:50AM 11 THE COURT: OKAY. AND HAVE THOSE CONVERSATIONS, DO  
11:51AM 12 YOU THINK, AFFECTED YOUR ABILITY TO BE FAIR AND IMPARTIAL TO  
11:51AM 13 BOTH SIDES HERE?

11:51AM 14 PROSPECTIVE JUROR: SOMEWHAT, YEAH.

11:51AM 15 THE COURT: OKAY. YOU HEARD ME TALK TO OTHER JURORS  
11:51AM 16 ABOUT WHETHER OR NOT THEY'D BE ABLE TO PUT THAT ASIDE AND BE A  
11:51AM 17 FAIR AND IMPARTIAL JUROR.

11:51AM 18 IS THAT SOMETHING THAT YOU THINK YOU CAN DO?

11:51AM 19 PROSPECTIVE JUROR: I'M NOT CONFIDENT THAT I COULD.

11:51AM 20 THE COURT: OKAY. YOU'RE NOT CONFIDENT THAT YOU  
11:51AM 21 COULD?

11:51AM 22 PROSPECTIVE JUROR: YEAH.

11:51AM 23 THE COURT: OKAY. AND I APPRECIATE YOUR CANDOR.  
11:51AM 24 THANK YOU.

11:51AM 25 AND THAT'S BASED ON THE NATURE, THE QUALITY OF THE

11:51AM 1 CONVERSATIONS THAT YOU'VE HAD WITH FAMILY MEMBERS ABOUT THE  
11:51AM 2 INDUSTRY I THINK YOU SAID IN THIS CASE?

11:51AM 3 PROSPECTIVE JUROR: YES.

11:51AM 4 THE COURT: OKAY. ANYTHING ELSE YOU WOULD LIKE ME  
11:51AM 5 TO KNOW?

11:51AM 6 PROSPECTIVE JUROR: NO.

11:51AM 7 THE COURT: OKAY. THANK YOU.

11:51AM 8 AND THEN WE'LL GET TO THE DALLAS COWBOYS.

11:51AM 9 PROSPECTIVE JUROR: CAN YOU HEAR ME?

11:51AM 10 THE COURT: YES.

11:51AM 11 PROSPECTIVE JUROR: JUROR 162.

11:51AM 12 THE COURT: YES.

11:51AM 13 PROSPECTIVE JUROR: I READ "THE MERCURY NEWS" EVERY  
11:51AM 14 DAY, AND I DON'T LISTEN TO NPR AND I HAVE NOT WATCHED ANY OF  
11:52AM 15 THE DOCUMENTARIES OR THE FICTIONALIZED EVENTS ON HULU OR  
11:52AM 16 WHATNOT.

11:52AM 17 AND I DON'T WANT TO STEAL YOUR THUNDER, YOUR HONOR, BUT I  
11:52AM 18 FEEL LIKE I COULD BE A FAIR AND IMPARTIAL JUROR.

11:52AM 19 THE COURT: YOU WATCH -- YOU READ "THE MERCURY  
11:52AM 20 NEWS"?

11:52AM 21 PROSPECTIVE JUROR: EVERY DAY.

11:52AM 22 THE COURT: OKAY. IS THAT ONLINE OR DO YOU GET HARD  
11:52AM 23 COPY OR BOTH?

11:52AM 24 PROSPECTIVE JUROR: IT DEPENDS WHERE I'M AT. IF I'M  
11:52AM 25 HOME, I'LL READ THE HARD COPY. BUT WHEN I'M AT MY MOTHER'S,

11:52AM 1 I'LL READ IT ON MY PHONE.

11:52AM 2 THE COURT: I DON'T THINK THEY DELIVER -- I USED TO  
11:52AM 3 BE A DELIVERY --

11:52AM 4 PROSPECTIVE JUROR: NOT IN OREGON THEY DON'T.

11:52AM 5 THE COURT: I USED TO BE A PAPER BOY FOR "THE  
11:52AM 6 MERCURY NEWS" 100 YEARS AGO AND WE USED TO DELIVER IT TO  
11:52AM 7 DOORSTEPS AND STOOPS, AND I DOUBT -- I DON'T THINK I WOULD HAVE  
11:52AM 8 A PAPER ROUTE THAT WOULD CAUSE ME TO RIDE MY SCHWINN TO OREGON.  
11:52AM 9 I DON'T THINK I'VE DELIVERED THERE.

11:52AM 10 BUT NOW IT'S ONLINE, ISN'T IT?

11:52AM 11 PROSPECTIVE JUROR: YEAH.

11:52AM 12 THE COURT: SO THERE YOU GO.

11:53AM 13 SO DID YOU WATCH ANY OF THE PROGRAMS, ANYTHING THAT YOU  
11:53AM 14 HEARD YOUR COLLEAGUES MENTION?

11:53AM 15 PROSPECTIVE JUROR: NO, SIR.

11:53AM 16 THE COURT: JUST WHAT YOU MENTIONED, THE PAPER?

11:53AM 17 PROSPECTIVE JUROR: CORRECT.

11:53AM 18 THE COURT: THANKS FOR STEALING MY THUNDER, SUCH  
11:53AM 19 THAT IT IS.

11:53AM 20 CAN YOU BE FAIR TO MR. BALWANI?

11:53AM 21 PROSPECTIVE JUROR: YES, SIR.

11:53AM 22 THE COURT: DO YOU HAVE ANY PROBLEM PRESUMING HIM TO  
11:53AM 23 BE INNOCENT AS HE SITS IN THIS COURTROOM RIGHT NOW?

11:53AM 24 PROSPECTIVE JUROR: NO.

11:53AM 25 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?

11:53AM 1 PROSPECTIVE JUROR: YES.

11:53AM 2 THE COURT: ANY DOUBT ABOUT THAT?

11:53AM 3 PROSPECTIVE JUROR: NO.

11:53AM 4 THE COURT: WILL YOU -- IF YOU'RE SELECTED AS A

11:53AM 5 JUROR IN THIS CASE, WILL YOU LISTEN ATTENTIVELY, OBJECTIVELY TO

11:53AM 6 THE EVIDENCE IN THIS CASE, NOT MAKE ANY DECISION ON THE CASE

11:53AM 7 UNTIL YOU HAVE BEEN ASSIGNED TO THE JURY ROOM TO BEGIN YOUR

11:53AM 8 DELIBERATIONS? CAN YOU DO THAT?

11:53AM 9 PROSPECTIVE JUROR: I BELIEVE I CAN.

11:53AM 10 THE COURT: ANY DOUBT ABOUT THAT?

11:53AM 11 PROSPECTIVE JUROR: NO.

11:53AM 12 THE COURT: ANY OTHER ANSWERS TO THIS QUESTION?

11:53AM 13 I SEE NO HANDS.

11:53AM 14 WHY DON'T WE TAKE A -- LET'S TAKE A TEN MINUTE BREAK HERE

11:54AM 15 AND WE'LL COME BACK IN ABOUT TEN MINUTES.

11:54AM 16 GIVE ME JUST A SECOND.

11:54AM 17 SO THERE WAS ANOTHER HAND. I'M SORRY, I DIDN'T SEE IT.

11:54AM 18 I THINK WE'VE EXHAUSTED --

11:54AM 19 I DON'T THINK THAT'S ON.

11:54AM 20 PROSPECTIVE JUROR: JUROR 133.

11:54AM 21 I THINK I MENTIONED I WANTED TO TALK TO YOU AFTERWARDS.

11:54AM 22 THE COURT: YES.

11:54AM 23 PROSPECTIVE JUROR: BUT AFTER I LISTENED TO WHAT THE

11:54AM 24 OTHER JURORS SAID, I'M PRETTY SURE WHAT I READ WAS ON THE

11:54AM 25 ELIZABETH HOLMES CASE.

11:54AM 1 THE COURT: YES.

11:54AM 2 PROSPECTIVE JUROR: SO I WANTED TO GIVE YOU  
11:54AM 3 INFORMATION TO GET YOU TO TELL ME IF THAT WAS THAT CASE I READ  
11:54AM 4 ABOUT, BUT I'M PRETTY SURE IT WAS.

11:54AM 5 THE COURT: OKAY. SO YOU READ SOMETHING ABOUT  
11:54AM 6 ELIZABETH HOLMES?

11:54AM 7 PROSPECTIVE JUROR: YES.

11:54AM 8 THE COURT: OKAY. WELL, LET ME ASK YOU THE SAME  
11:54AM 9 QUESTION, NOT WHAT YOU READ, BUT JUST BASED ON WHAT YOU READ,  
11:54AM 10 IF YOU HAVE ANY RECOLLECTION ABOUT IT, NOW THAT YOU REMEMBER  
11:55AM 11 THAT, WAS THERE ANYTHING ABOUT THAT --

11:55AM 12 PROSPECTIVE JUROR: I THINK THERE WAS INFORMATION  
11:55AM 13 ABOUT --

11:55AM 14 THE COURT: YOU DON'T HAVE TO TELL ME WHAT IT WAS.

11:55AM 15 PROSPECTIVE JUROR: VERY VAGUELY.

11:55AM 16 THE COURT: RIGHT. MY QUESTION IS, NOW THAT YOU'VE  
11:55AM 17 REMEMBERED WHAT YOU'VE READ, IS THERE ANYTHING ABOUT THAT THAT  
11:55AM 18 YOU THINK WILL AFFECT YOUR ABILITY TO BE FAIR TO BOTH SIDES  
11:55AM 19 HERE?

11:55AM 20 PROSPECTIVE JUROR: I DON'T THINK SO.

11:55AM 21 THE COURT: OKAY. WELL, YOU DON'T THINK IT WILL?

11:55AM 22 PROSPECTIVE JUROR: I DON'T THINK SO. I DO NOT  
11:55AM 23 THINK SO.

11:55AM 24 THE COURT: OKAY. CAN YOU BE FAIR TO MR. BALWANI?

11:55AM 25 PROSPECTIVE JUROR: YES.

11:55AM 1 THE COURT: DO YOU HAVE ANY PROBLEM PRESUMING HIM TO  
11:55AM 2 BE INNOCENT AS HE SITS IN THE COURTROOM TODAY?  
11:55AM 3 PROSPECTIVE JUROR: NO.  
11:55AM 4 THE COURT: ANY PROBLEM WITH THAT AT ALL?  
11:55AM 5 PROSPECTIVE JUROR: NO.  
11:55AM 6 THE COURT: CAN YOU BE FAIR TO THE GOVERNMENT?  
11:55AM 7 PROSPECTIVE JUROR: YES.  
11:55AM 8 THE COURT: OKAY. THANK YOU.  
11:55AM 9 LET'S -- ALL RIGHT. LET'S TAKE ABOUT A 20 MINUTE BREAK,  
11:56AM 10 LADIES AND GENTLEMEN.  
11:56AM 11 HOWEVER, I'M GOING TO -- I DO WANT TO -- I KNOW WE HAD  
11:56AM 12 SOME JURORS WHO WANTED TO TALK. I THINK 111 WANTED TO MENTION  
11:56AM 13 SOMETHING. MAYBE 111 CAN REMAIN.  
11:56AM 14 I THINK JUROR 174. DID JUROR 174 EXPRESS AN INTEREST TO  
11:56AM 15 SPEAK PRIVATELY?  
11:56AM 16 PROSPECTIVE JUROR: NO.  
11:56AM 17 THE COURT: NO. OKAY. SORRY. I'M NOT READING MY  
11:57AM 18 NOTES CORRECTLY. THANK YOU.  
11:57AM 19 ALL RIGHT. LET'S DO THAT.  
11:57AM 20 JUROR NUMBER 111, WOULD YOU REMAIN, PLEASE?  
11:57AM 21 PROSPECTIVE JUROR: COULD I USE THE RESTROOM FOR A  
11:57AM 22 MINUTE?  
11:57AM 23 THE COURT: LET'S DO THAT. SORRY. I SEE A COUPLE  
11:57AM 24 OF HANDS.  
11:57AM 25 LET'S GET A MIKE TO THEM.



11:57AM 1 THE CLERK: SURE. IT'S RIGHT THERE.

11:57AM 2 THE COURT: OKAY. GREAT.

11:57AM 3 PROSPECTIVE JUROR: EXCUSE ME, YOUR HONOR.

11:57AM 4 THE COURT: WHAT NUMBER ARE YOU, SIR?

11:57AM 5 PROSPECTIVE JUROR: I HAVE NUMBER 152.

11:57AM 6 THE COURT: YES.

11:57AM 7 PROSPECTIVE JUROR: AND BEFORE YOU TAKE A BREAK, I

11:57AM 8 WANT TO ASK YOU SOMETHING.

11:57AM 9 THE COURT: YES, SIR.

11:57AM 10 SIR, JUST A SECOND. JUST A MOMENT.

11:57AM 11 I'D LIKE YOU TO STAY, PLEASE. OKAY? AND THEN I'M GOING

11:57AM 12 TO TALK TO YOU PRIVATELY.

11:57AM 13 PROSPECTIVE JUROR: BUT I DON'T HAVE A LOT OF TIME.

11:57AM 14 THE COURT: I UNDERSTAND, AND THE SOONER WE BREAK,

11:57AM 15 THE SOONER I CAN TALK WITH YOU. OKAY?

11:57AM 16 PROSPECTIVE JUROR: OKAY.

11:57AM 17 THE COURT: SO WE'LL TAKE A 20 MINUTE BREAK, FOLKS.

11:57AM 18 IF 111 AND 152 WOULD PLEASE STAY. THANK YOU.

11:58AM 19 (PROSPECTIVE JURY OUT AT 11:58 A.M.)

11:58AM 20 (PROSPECTIVE JURORS 111 AND 152 PRESENT.)

11:58AM 21 THE COURT: ALL RIGHT. THE RECORD SHOULD REFLECT

11:59AM 22 THAT OUR PROSPECTIVE PANEL HAS LEFT THE COURTROOM. JUROR 152

11:59AM 23 REMAINS.

11:59AM 24 THANK YOU, SIR. THANK YOU FOR COMING BACK.

11:59AM 25 IS THE MICROPHONE BACK THERE?

11:59AM 1 OH, SHE TOOK IT WITH HER.

11:59AM 2 THANK YOU, MADDI.

11:59AM 3 ALL RIGHT, SIR. JUROR 152 IS PRESENT. AND WHAT IS IT YOU  
11:59AM 4 WOULD LIKE -- YOU CAN COME FORWARD, SIR, IF YOU WOULD LIKE.

11:59AM 5 PROSPECTIVE JUROR: I HAVE A QUESTION, BECAUSE I  
11:59AM 6 HAVE A CHILD, AND EVERY DAY I HAVE TO PICK HER UP AND TAKE HER  
11:59AM 7 HOME EVERY DAY, PLUS I HAVE TO SEND HER TO -- WHAT DO YOU CALL  
11:59AM 8 IT? -- TUTORING SCHOOL.

11:59AM 9 BUT RIGHT NOW YOU CALL ME TO THE JURY.

12:00PM 10 THE COURT: YES.

12:00PM 11 PROSPECTIVE JUROR: SO IF I DON'T SERVE, THEN I HAVE  
12:00PM 12 TO GO TO JAIL, RIGHT? IF I DON'T PICK UP MY KIDS, I'M STILL  
12:00PM 13 GOING TO JAIL.

12:00PM 14 SO RIGHT NOW I'M ASKING YOUR HONOR TO HELP ME OUT.

12:00PM 15 THE COURT: WELL, SIR --

12:00PM 16 PROSPECTIVE JUROR: GIVE ME AN EXCUSE SO I CAN TAKE  
12:00PM 17 CARE OF MY FAMILY.

12:00PM 18 THE COURT: YES. SIR, FIRST OF ALL, NO ONE IS GOING  
12:00PM 19 TO JAIL. YOU'RE NOT GOING TO JAIL.

12:00PM 20 YOU PICK UP YOUR CHILD AT 3:00 O'CLOCK?

12:00PM 21 PROSPECTIVE JUROR: RIGHT NOW, BECAUSE IT'S THE  
12:00PM 22 PARENT'S MEETINGS, RIGHT NOW THE SCHOOL IS COMING OUT AT  
12:00PM 23 1:00 O'CLOCK. BUT NORMALLY SHE COMES OUT BY 2:00 O'CLOCK.

12:00PM 24 THE COURT: I SEE. SO 1:00 O'CLOCK YOU HAVE TO PICK  
12:00PM 25 YOUR CHILD UP?

12:00PM 1 PROSPECTIVE JUROR: YES.

12:00PM 2 THE COURT: AND IS THAT IN SAN JOSE?

12:00PM 3 PROSPECTIVE JUROR: YES, AT SAN JOSE. SHE'S  
12:00PM 4 STARTING AT QUINCY PARK ELEMENTARY SCHOOL.

12:00PM 5 THE COURT: QUINCY PARK. GREAT.

12:00PM 6 PROSPECTIVE JUROR: I WROTE IN THE PAPER LAST WEEK  
12:00PM 7 AND LAST FRIDAY, BUT YOU STILL PICKED ME OUT AND THE SAME  
12:01PM 8 THING.

12:01PM 9 SO I DON'T KNOW WHAT I'M GOING TO DO RIGHT NOW. I HAVE NO  
12:01PM 10 MIND TO CONCENTRATE ON THE JURY.

12:01PM 11 THE COURT: WELL, LET ME TELL YOU, I, I -- YOU KNOW,  
12:01PM 12 I APOLOGIZE FOR DISRUPTING YOU AND CAUSING YOU SOME CONCERN  
12:01PM 13 THIS MORNING.

12:01PM 14 I WANT TO SAY THAT IT'S A PLEASURE MEETING YOU, AND THESE  
12:01PM 15 LAWYERS WERE PLEASED TO MEET YOU AND HEAR FROM YOU TODAY, SIR.

12:01PM 16 I'M GOING TO EXCUSE YOU.

12:01PM 17 PROSPECTIVE JUROR: OKAY. I APPRECIATE YOUR HELP,  
12:01PM 18 SIR.

12:01PM 19 THE COURT: WELL, THANK YOU FOR COMING TO COURT. I  
12:01PM 20 APPRECIATE YOU COMING TO COURT AND ANSWERING YOUR SUMMONS.  
12:01PM 21 THAT'S THE IMPORTANT THING TO DO.

12:01PM 22 YOU KNOW, I'M TOLD WE SENT ONE OF THESE SUMMONS OUT TO A  
12:01PM 23 LAWYER AND SHE DID NOT SHOW UP IN COURT. SHE DIDN'T ANSWER HER  
12:01PM 24 SUMMONS. SO I SEE WHAT WE'RE -- WE'LL HAVE TO SEE WHAT WE'RE  
12:01PM 25 GOING TO DO ABOUT THAT.

12:01PM 1 BUT YOU ARE EXCUSED, SIR. BEST WISHES FOR YOU AND YOUR  
12:01PM 2 CHILD.

12:01PM 3 PROSPECTIVE JUROR: THANK YOU VERY MUCH, SIR.

12:02PM 4 THE COURT: YOU'RE WELCOME. YOU'RE WELCOME.

12:02PM 5 PROSPECTIVE JUROR: I WISH IN THE FUTURE IF I HAVE A  
12:02PM 6 CHANCE, I WILL SERVE FOR YOU AGAIN.

12:02PM 7 THE COURT: I APPRECIATE THAT.

12:02PM 8 PROSPECTIVE JUROR: THANK YOU VERY MUCH, SIR.

12:02PM 9 HAVE A GOOD DAY, EVERYBODY.

12:02PM 10 THE COURT: THANK YOU.

12:02PM 11 SO 152 IS EXCUSED FOR HARDSHIP.

12:02PM 12 AND JUROR 111 IS WITH US. WE'RE OUTSIDE OF THE PRESENCE  
12:02PM 13 OF PANEL MEMBERS.

12:02PM 14 SIR, WE'RE IN PRIVATE. WHAT IS IT YOU WOULD LIKE US TO  
12:02PM 15 KNOW?

12:02PM 16 PROSPECTIVE JUROR: SO, YOUR HONOR, WHEN YOU ASKED  
12:02PM 17 ABOUT WHETHER OR NOT I'LL BE ABLE TO BE FAIR --

12:02PM 18 THE COURT: YES.

12:02PM 19 PROSPECTIVE JUROR: -- AND THAT REMINDED ME OF A  
12:02PM 20 PERSONAL ENCOUNTER I'VE HAD.

12:02PM 21 SOMEWHERE IN NOVEMBER OF -- WAS IT 2020? I WENT TO A  
12:03PM 22 NIGHT BRISK WALK AND I HAD A FEELING I NEVER HAD BEFORE IN MY  
12:03PM 23 CHEST, SO I TEXTED MY DOCTOR. IT LASTED FOR ABOUT FIVE MINUTES  
12:03PM 24 AND IT WENT AWAY AND I HADN'T HAD THAT BEFORE, SO I TEXTED MY  
12:03PM 25 DOCTOR WHO I HAVE A VERY GOOD RELATIONSHIP WITH.

12:03PM 1 AND HE SAID, WHY DON'T YOU COME IN AND WE'LL DO SOME  
12:03PM 2 TESTS?

12:03PM 3 AND I SAID OKAY.

12:03PM 4 SO ACTUALLY I WAS ON MY WAY TO WORK AND SO I TURNED AROUND  
12:03PM 5 AND I WENT BACK TO -- SORRY. I WENT BACK TO SEE HER.

12:03PM 6 SO THEY DID SOME TESTS AND EKG AND EVERYTHING AND IT ALL  
12:03PM 7 CAME BACK NORMAL.

12:03PM 8 SHE SAID, LET'S DO A BLOOD TEST.

12:03PM 9 THEY DID A BLOOD TEST AND THEY FOUND A PROTEIN CALLED  
12:03PM 10 TROPONIN, T-R-O-P-O-N-I-N, IN MY BLOOD. OKAY.

12:04PM 11 SO AT THAT TIME, BEFORE THE RESULTS CAME IN, I DID THE  
12:04PM 12 TEST AND I WENT HOME, AND SO I WAS JUST ABOUT TO GET SOMETHING  
12:04PM 13 TO EAT, YOU KNOW, SHE CALLED AND SAID, OKAY, WHAT ARE YOU DOING  
12:04PM 14 NOW?

12:04PM 15 AND I SAID, I'M ABOUT TO EAT.

12:04PM 16 SHE SAID, NO, DON'T EAT. GO TO THE ER RIGHT NOW.

12:04PM 17 SO I SAID, OKAY.

12:04PM 18 DON'T DRIVE YOURSELF.

12:04PM 19 SO I ENDED UP AT THE ER AND THEY SAID THEY HAD TO DO SOME  
12:04PM 20 MORE TESTS.

12:04PM 21 SO TO MAKE A LONG STORY SHORT, I ENDED UP ON THE TABLE FOR  
12:04PM 22 OPEN HEART SURGERY.

12:04PM 23 SO, YOU KNOW, WHEN -- AFTER I FILLED OUT THE FORM, THIS  
12:04PM 24 FORM, THE QUESTIONNAIRE, AND THAT REMINDED ME OF THE -- THIS  
12:04PM 25 COMPANY, I COULDN'T HELP BUT THINK THAT, GOSH, YOU KNOW, WHAT

12:04PM 1 IF THAT BLOOD TEST WAS DONE THAT THE RESULTS CAME OUT LIKE THAT  
12:05PM 2 AND IT WASN'T RIGHT, OR THEY COULDN'T FIND THAT?

12:05PM 3 AND I FIND THAT TROPONIN IN MY BLOOD GAVE ME A SECOND  
12:05PM 4 CHANCE.

12:05PM 5 SO THAT'S WHY WHEN YOU ASKED ME, I HESITATED A LITTLE BIT.

12:05PM 6 SO THAT'S WHAT I HAD WANTED TO LET YOU KNOW.

12:05PM 7 THE COURT: I SEE. THANK YOU. THANK YOU, AND  
12:05PM 8 I'M -- WE'RE ALL HAPPY TO SEE YOU AND WE'RE GRATEFUL THAT  
12:05PM 9 YOU'RE HERE.

12:05PM 10 PROSPECTIVE JUROR: YES.

12:05PM 11 THE COURT: LET ME ASK YOU, SIR, YOU MENTIONED,  
12:05PM 12 BASED ON PERSONAL EXPERIENCE AND YOUR KNOWLEDGE, YOU HAVE SOME  
12:05PM 13 OTHER KNOWLEDGE ABOUT THE CASE, I'LL CALL IT THAT. AM I TO  
12:05PM 14 HEAR FROM YOU, SIR, THAT YOU HAVE SOME -- BECAUSE OF YOUR  
12:05PM 15 PERSONAL CIRCUMSTANCES AND THE FACTS, AT LEAST AS YOU KNOW THEM  
12:05PM 16 BASED ON WHAT YOU'VE READ, ARE YOU TELLING ME YOU THINK IT  
12:06PM 17 WOULD BE DIFFICULT FOR YOU TO BE FAIR AND IMPARTIAL TO THE  
12:06PM 18 DEFENSE IN THIS CASE?

12:06PM 19 PROSPECTIVE JUROR: THAT'S WHAT I'M NOT SURE ABOUT.  
12:06PM 20 I'M NOT SURE ABOUT THAT.

12:06PM 21 THE COURT: UH-HUH.

12:06PM 22 PROSPECTIVE JUROR: BECAUSE MY THINKING RIGHT NOW,  
12:06PM 23 YOU KNOW, LOOKING AT WHAT, YOU KNOW, HAPPENED WITH THE COMPANY,  
12:06PM 24 THE MACHINE -- THE INNOVATION WAS GREAT. IT WAS GREAT.

12:06PM 25 BUT THE MACHINE IS NOT WORKING PROPERLY AND COULDN'T EVEN

12:06PM 1 ADMIT THAT, HEY, WE HAVE A PROBLEM HERE AND WE'RE RELYING ON  
12:06PM 2 THIRD PARTY TO DO THE TEST.

12:06PM 3 SO THAT -- YOU KNOW, I CAN'T HELP BUT THINK THAT WHAT IF  
12:06PM 4 MY, IN MY CASE, MY BLOOD SAMPLE HAD BEEN THAT WAY? SO --

12:07PM 5 THE COURT: OKAY. THANK YOU.

12:07PM 6 ANY QUESTIONS, MR. SCHENK?

12:07PM 7 MR. SCHENK: NO, YOUR HONOR.

12:07PM 8 THE COURT: ANY QUESTIONS, MR. COOPERSMITH?

12:07PM 9 MR. COOPERSMITH: JUST SOME, YOUR HONOR.

12:07PM 10 THE COURT: YOU DON'T NEED TO, MR. COOPERSMITH.

12:07PM 11 MR. COOPERSMITH: OKAY. THANK YOU, YOUR HONOR.

12:07PM 12 THE COURT: OKAY. THANK YOU.

12:07PM 13 ALL RIGHT. THANK YOU VERY MUCH. THANK YOU, SIR. THANK  
12:07PM 14 YOU FOR SHARING THAT.

12:07PM 15 IF YOU COULD JUST LEAVE YOUR -- THE SHEET THERE ON THE  
12:07PM 16 SEAT.

12:07PM 17 PROSPECTIVE JUROR: OKAY.

12:07PM 18 THE COURT: JUST LEAVE THAT, AND WE'LL COLLECT THE  
12:07PM 19 MICROPHONE.

12:07PM 20 AND IF YOU WOULD GO DOWNSTAIRS TO THE --

12:07PM 21 THE CLERK: HE CAN WAIT IN THE HALLWAY.

12:07PM 22 THE COURT: WELL, YOU KNOW WHAT? I'M GOING TO  
12:07PM 23 EXCUSE YOU, SIR. YOU'RE EXCUSED. SO YOU CAN LEAVE. YOU DON'T  
12:07PM 24 HAVE TO GO DOWNSTAIRS TO REPORT.

12:07PM 25 JUST LEAVE THAT ON THE CHAIR THERE IF YOU WOULD.

12:07PM 1 PROSPECTIVE JUROR: OKAY.

12:07PM 2 THE COURT: AND YOU CAN GO, YES.

12:07PM 3 PROSPECTIVE JUROR: THANK YOU, YOUR HONOR.

12:07PM 4 THE COURT: I'M GOING TO EXCUSE YOU.

12:07PM 5 NO, THANK YOU, SIR. THANK YOU FOR COMING.

12:07PM 6 PROSPECTIVE JUROR: I WISH IT WAS DIFFERENT

12:07PM 7 CIRCUMSTANCES, BUT IT'S A LITTLE DIFFICULT FOR ME BECAUSE OF MY

12:07PM 8 PERSONAL --

12:07PM 9 THE COURT: OF COURSE. IT'S A PLEASURE MEETING YOU,

12:08PM 10 SIR.

12:08PM 11 PROSPECTIVE JUROR: THANK YOU.

12:08PM 12 (PROSPECTIVE JUROR 111 OUT.)

12:08PM 13 THE COURT: ALL RIGHT. PLEASE BE SEATED.

12:08PM 14 AND JUROR NUMBER 111 WAS EXCUSED BY THE COURT FOR CAUSE.

12:08PM 15 I HAVE A NOTE THAT SUGGESTS THAT JUROR NUMBER 12 WANTS TO

12:08PM 16 TALK PRIVATELY REGARDING A HARDSHIP, AND THIS JUROR IS IN THE

12:08PM 17 HALLWAY.

12:08PM 18 SO I'LL ASK THIS JUROR TO COME IN NOW, AND THEN WE'LL TAKE

12:08PM 19 OUR BREAK.

12:08PM 20 (PROSPECTIVE JUROR 12 IN.)

12:09PM 21 THE COURT: YES. GOOD MORNING. THIS IS JUROR 12?

12:09PM 22 PROSPECTIVE JUROR: YES. GOOD MORNING.

12:09PM 23 THE COURT: YES.

12:09PM 24 PROSPECTIVE JUROR: I APOLOGIZE BECAUSE I GOT HOME

12:09PM 25 AROUND 3:00 A.M., SO I'M VERY SLEEPY AND TRYING TO KEEP MY EYES



12:09PM 1 OPEN.

12:09PM 2 THE COURT: OH.

12:09PM 3 PROSPECTIVE JUROR: BUT I WANTED TO GET AN  
12:09PM 4 OPPORTUNITY TO -- FOR MY HARDSHIP, BECAUSE I WORK AS THE  
12:09PM 5 EVENING SHIFT AS A HOSPITALIST, AND AT MY HOSPITAL, WE'RE  
12:09PM 6 GETTING THROUGH THE TAIL END OF THE FIFTH COVID SURGE, AND MY  
12:09PM 7 FELLOW COWORKERS AND I ARE VERY EXHAUSTED BECAUSE WE HAVE TO  
12:09PM 8 WORK MANY EXTRA SHIFTS, AND DUE TO THE PRESENT HIGH HOSPITAL  
12:10PM 9 CENSUS, AND AS WELL AS MANY COWORKERS HAVING TO TAKE LEAVE DUE  
12:10PM 10 TO GETTING ILL FROM COVID.

12:10PM 11 SO MY ADDITIONAL ABSENCE FROM THIS EXTENDED TRIAL WOULD  
12:10PM 12 CAUSE UNDUE HARDSHIP ON MY COWORKERS BECAUSE THEN THEY WOULD  
12:10PM 13 HAVE TO COVER MY SHIFTS FOR THE NEXT THREE MONTHS.

12:10PM 14 AND IN ADDITION, IT WOULD ALSO BE A HARDSHIP FOR MYSELF  
12:10PM 15 BECAUSE IF I WERE TO, YOU KNOW, OFFER TO STILL WORK MY  
12:10PM 16 SCHEDULED SHIFT SINCE I WORK THE EVENING SHIFT, GETTING OFF AT  
12:10PM 17 2:00 OR 3:00 A.M. AND COMING TO COURT, LIKE, EARLY MORNING, I  
12:10PM 18 ONLY GET TWO TO THREE HOURS SLEEP, WHICH I WOULDN'T BE ABLE TO  
12:10PM 19 FUNCTION WELL AT WORK OR AS A JUROR.

12:10PM 20 THE COURT: YES.

12:10PM 21 PROSPECTIVE JUROR: SECOND OF ALL, I'M ALSO STUDYING  
12:10PM 22 FOR MY TWO PROFESSIONAL EXAMS, AND IF I WERE TO ACT AS A JUROR,  
12:10PM 23 AS WELL AS KEEP WORKING TO SUPPORT MY COWORKERS, I WOULDN'T  
12:11PM 24 HAVE ANY EXTRA TIME TO STUDY FOR MY EXAMS WHICH I WILL DO THIS  
12:11PM 25 YEAR.

12:11PM 1 THE COURT: I SEE. ARE THOSE PROFESSIONAL  
12:11PM 2 CREDENTIALS?  
12:11PM 3 PROSPECTIVE JUROR: OH, YES, THAT I'M REQUIRED TO  
12:11PM 4 CONTINUE PRACTICING IN MY PROFESSION.  
12:11PM 5 THE COURT: YES. I SEE. OKAY.  
12:11PM 6 ALL RIGHT. THANK YOU FOR SHARING THAT.  
12:11PM 7 MR. SCHENK, ANY QUESTIONS?  
12:11PM 8 MR. SCHENK: NO, YOUR HONOR.  
12:11PM 9 THE COURT: MR. COOPERSMITH?  
12:11PM 10 MR. COOPERSMITH: NO, YOUR HONOR.  
12:11PM 11 THE COURT: JUROR NUMBER 12, I'M GOING TO EXCUSE  
12:11PM 12 YOU, AND THANK YOU FOR YOUR GOOD WORK IN THE COMMUNITY AND  
12:11PM 13 HEALTH CARE COMMUNITY.  
12:11PM 14 AND I KNOW THERE HAVE BEEN SEVERE CHALLENGES THE LAST TWO  
12:11PM 15 YEARS, AND YOU AND YOUR COLLEAGUES' EFFORTS HAVE HELPED AND  
12:11PM 16 SAVED MANY LIVES, I KNOW THAT FOR A FACT. SO WE'RE ALL  
12:11PM 17 GRATEFUL FOR YOU AND YOUR COLLEAGUES' EFFORTS IN THAT REGARD.  
12:11PM 18 SO THANK YOU VERY MUCH.  
12:11PM 19 PROSPECTIVE JUROR: THANK YOU.  
12:11PM 20 THE COURT: SO YOU'RE EXCUSED. THANK YOU.  
12:12PM 21 SHALL WE TAKE A BRIEF BREAK? OKAY. LET'S DO THAT. THANK  
12:12PM 22 YOU.  
12:12PM 23 MR. COOPERSMITH: YOUR HONOR, HOW LONG DO YOU WANT  
12:12PM 24 TO TAKE A BREAK?  
12:12PM 25 THE COURT: I THINK I SAID 20 MINUTES TO THE JURY.

12:12PM 1 WE PROBABLY HAVE ABOUT 10 LEFT, 10 OR 15 MINUTES LEFT, SO --

12:12PM 2 MR. COOPERSMITH: THANK YOU.

12:12PM 3 (RECESS FROM 12:12 P.M. UNTIL 12:33 P.M.)

12:33PM 4 THE COURT: WE'RE BACK ON THE RECORD. ALL COUNSEL  
12:33PM 5 ARE PRESENT, MR. BALWANI IS PRESENT.

12:33PM 6 WE'RE OUTSIDE OF THE PRESENCE OF OUR PROSPECTIVE JURORS.

12:33PM 7 COUNSEL, I WANTED TO TALK ABOUT A COUPLE OF OTHER JURORS  
12:33PM 8 BEFORE WE BRING THE PANEL IN.

12:33PM 9 176 IS THE JUROR WHO WAS STANDING IN THE BACK OF THE  
12:33PM 10 COURTROOM IF YOU'LL RECALL, AND SHE WAS THE ONE WHO EXPRESSED  
12:33PM 11 THE NEED TO STAND.

12:33PM 12 MY THOUGHT WAS TO EXCUSE HER FOR HARDSHIP, BUT I'M HAPPY  
12:33PM 13 TO HEAR FROM YOU.

12:34PM 14 MR. SCHENK.

12:34PM 15 MR. SCHENK: YES, THANK YOU, YOUR HONOR.

12:34PM 16 NO OBJECTION FROM THE GOVERNMENT.

12:34PM 17 MR. COOPERSMITH: NO OBJECTION FROM THE DEFENSE,  
12:34PM 18 YOUR HONOR.

12:34PM 19 THE COURT: ALL RIGHT. THANK YOU. 176 WILL BE  
12:34PM 20 EXCUSED FOR HARDSHIP.

12:34PM 21 LET ME ASK YOU ABOUT 135. THIS WAS THE GENTLEMAN WHO  
12:34PM 22 EXPRESSED A CONCERN ABOUT A THYROID CONDITION, AND I THINK HE  
12:34PM 23 HAS MRI'S OR OTHER TESTING.

12:34PM 24 WHAT ARE YOUR THOUGHTS ABOUT THIS PERSON? I THOUGHT TO  
12:34PM 25 EXCUSE HIM BECAUSE OF HARDSHIP.

12:34PM 1 MR. SCHENK: YES, YOUR HONOR, WE AGREE.

12:34PM 2 MR. COOPERSMITH: WE AGREE AS WELL, YOUR HONOR.

12:34PM 3 THE COURT: ALL RIGHT. THANK YOU.

12:34PM 4 135 WILL BE EXCUSED.

12:34PM 5 MAY I DRAW YOUR ATTENTION TO 180.

12:34PM 6 I DO SO, AS YOU RECALL, IN THE COLLOQUY ABOUT THIS JUROR'S

12:35PM 7 KNOWLEDGE OF THE CASE, HE TOLD US HE WATCHED HBO, CNBC, AND IN

12:35PM 8 RESPONSE TO MY QUESTION ABOUT WHETHER HE COULD BE FAIR, HE

12:35PM 9 SAID, "I DO NOT THINK SO."

12:35PM 10 MR. SCHENK: YES, YOUR HONOR. I BELIEVE SHE --

12:35PM 11 THE COURT: SHE.

12:35PM 12 MR. SCHENK: -- TOLD US THOSE THINGS, AND WE WOULD

12:35PM 13 NOT OBJECT TO EXCUSING HER FOR CAUSE.

12:35PM 14 MR. COOPERSMITH: WE AGREE, YOUR HONOR.

12:35PM 15 THE COURT: ALL RIGHT. THANK YOU. THAT'S THE

12:35PM 16 PROBLEM WITH USING NUMBERS.

12:35PM 17 SHE'S EXCUSED FOR CAUSE. THANK YOU.

12:35PM 18 LET ME ALSO DRAW YOUR ATTENTION TO 1 -- LET ME DRAW YOUR

12:36PM 19 ATTENTION TO 174.

12:36PM 20 I THINK, IF I'M NOT MISTAKEN, WAS THIS THE JUROR WHO HAD

12:36PM 21 CONVERSATIONS WITH FAMILY MEMBERS?

12:36PM 22 AND I ASKED ABOUT FAIRNESS, AND SHE DID NOT THINK THAT SHE

12:36PM 23 COULD BE FAIR.

12:36PM 24 MR. SCHENK: YES, YOUR HONOR, THAT IS CORRECT.

12:36PM 25 SHE SAID SHE WAS NOT CONFIDENT THAT SHE COULD BE FAIR

12:36PM 1 GIVEN THE OPINIONS THAT HAD BEEN EXPRESSED TO HER BY FAMILY  
12:36PM 2 MEMBERS.

12:36PM 3 THE COURT: RIGHT. I'M INCLINED TO -- OVER YOUR  
12:36PM 4 OBJECTIONS, MR. COOPERSMITH, I'M GOING TO STRIKE JUROR 174.

12:36PM 5 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

12:36PM 6 THE COURT: NO OBJECTION, RIGHT?

12:36PM 7 MR. COOPERSMITH: NO OBJECTION.

12:36PM 8 THE COURT: RIGHT. THAT'S ALL I WANTED TO DO,  
12:36PM 9 BEFORE WE BROUGHT THE PANEL IN, FROM THE BENCH.

12:37PM 10 MR. COOPERSMITH: YOUR HONOR, THERE WAS ONE OR MAYBE  
12:37PM 11 TWO OTHERS THAT MIGHT BE IN THAT SAME CATEGORY IF I COULD  
12:37PM 12 SUGGEST TO THE COURT.

12:37PM 13 THERE WAS NUMBER 124. 124 HESITATED BEFORE SHE SAID SHE  
12:37PM 14 COULD BE FAIR.

12:37PM 15 AND THEN MY NOTES REFLECT THAT SHE SAID BEING FAIR TO  
12:37PM 16 MR. BALWANI, QUOTE, "IS GOING TO BE AN ISSUE."

12:37PM 17 THAT'S WHAT SHE SAID.

12:37PM 18 MR. SCHENK: YOUR HONOR, THE COURT ASKED IF SHE  
12:37PM 19 COULD BE FAIR, AND MY NOTES -- OR MY RECOLLECTION IS THAT SHE  
12:37PM 20 SAID IT DEPENDS ON THE EVIDENCE, WHICH IS ACTUALLY PRECISELY  
12:37PM 21 THE ANSWER THAT WE WOULD WANT JURORS TO GIVE WHEN THEY ARE  
12:38PM 22 DESCRIBING WHETHER THEY HAVE ANY PRECONCEPTION OR AN IDEA ABOUT  
12:38PM 23 WHAT THE VERDICT SHOULD BE.

12:38PM 24 SHE ALSO SAID THAT SHE WILL BE FAIR.

12:38PM 25 SHE EXPRESSED SOME PRECONCEPTIONS BASED ON WORK IN HEALTH

12:38PM 1 CARE, SOME OF THE, I GUESS, INDUSTRY WORK THAT SHE HAD DONE. I  
12:38PM 2 THINK SHE HAS A PH.D. IN PHARMACOLOGY AND HAS SOME BACKGROUND  
12:38PM 3 IN THIS AREA.

12:38PM 4 BUT MY RECOLLECTION ALSO FROM HER QUESTIONNAIRE IS THAT IN  
12:38PM 5 RESPONSE TO QUESTION 39 SHE CHECKED "NOT SURE" BUT AGAIN WROTE,  
12:38PM 6 "IT DEPENDS ON THE CHARGES AND THE EVIDENCE."

12:38PM 7 SO IT SEEMS THAT SHE'S COMING TO THIS COURTROOM WITH AN  
12:38PM 8 OPEN MIND AND SHE UNDERSTANDS WHAT HER BIASES ARE -- EVERYBODY  
12:38PM 9 COMES TO COURT WITH BIASES -- AND THEN SHE'S SAYING, I WANT TO  
12:38PM 10 SEE THE EVIDENCE AND THE CHARGES AND THEN I'LL MAKE UP MY MIND.

12:38PM 11 SO WE WOULD OPPOSE EXCUSING HER ON CAUSE GROUNDS.

12:39PM 12 MR. COOPERSMITH: YOUR HONOR, ON THIS  
12:39PM 13 QUESTIONNAIRE -- WE'RE TALKING ABOUT 124 -- SHE SAID THAT,  
12:39PM 14 QUOTE, "BECAUSE OF MY TRAINING AND KNOWLEDGE OBTAINED FROM MY  
12:39PM 15 PREVIOUS WORK EXPERIENCE, IT WAS VERY CLEAR TO ME ABOUT THE  
12:39PM 16 INTENTION OF FRAUD."

12:39PM 17 THEN IN QUESTIONS 41 AND 42, SHE SAID SHE WATCHED THE NEWS  
12:39PM 18 AND LEGAL ANALYSIS DAILY DURING THE ELIZABETH HOLMES TRIAL.

12:39PM 19 SHE SAYS SHE HAS KNOWLEDGE ABOUT BLOOD TESTS FROM HER  
12:39PM 20 WORK.

12:39PM 21 AND THEN IN RESPONSE TO THE COURT'S QUESTIONS, AS I SAID,  
12:39PM 22 SHE SAID BEING FAIR TO MR. BALWANI IS, QUOTE, "GOING TO BE AN  
12:39PM 23 ISSUE."

12:39PM 24 I THINK THOSE SEVERAL DIFFERENT ANSWERS IN DIFFERENT SPOTS  
12:39PM 25 SHOULD LEAD THE COURT TO EXCUSE HER.

12:39PM 1 THE COURT: ALL RIGHT. THANK YOU.

12:39PM 2 I DID NOTE HER RESPONSES, AND SHE DID FOLLOW THE CASE.

12:39PM 3 SHE DID SAY SHE COULD BE FAIR. THERE WAS A PAUSE, I THINK, AS  
12:40PM 4 YOU INDICATE.

12:40PM 5 THE COURT ALSO OBSERVED HER DEMEANOR WHEN RESPONDING TO  
12:40PM 6 THE QUESTIONS. THERE WERE NODS OF THE HEADS AND THOSE TYPES OF  
12:40PM 7 THINGS.

12:40PM 8 I BELIEVE SHE DID RECEIVE THE COURT'S CUE ABOUT NOT  
12:40PM 9 MENTIONING SPECIFICS. I DIDN'T WANT TO HEAR ANYTHING SPECIFIC  
12:40PM 10 FROM JURORS.

12:40PM 11 AND MAY I SAY, I THINK THE JURORS' RESPONSES THIS MORNING  
12:40PM 12 WERE VERY DISCIPLINED IN THAT REGARD, AND I THINK WE RECEIVED A  
12:40PM 13 LOT OF INFORMATION FROM THEM, WITHOUT THE NEED TO HAVE THEM  
12:40PM 14 EXPRESS EXPLICITLY WHAT WAS SEEN OR HEARD OR READ.

12:40PM 15 THEY -- WHAT REALLY WAS AT ISSUE WAS WHAT EFFECT ANY OF  
12:40PM 16 THAT HAD ON THEM, AND WE RECEIVED THEIR RESPONSES TO THAT.

12:40PM 17 AS TO 124, I WAS WATCHING HER AND HER RESPONSE TO MY  
12:40PM 18 QUESTION.

12:40PM 19 I DO HAVE SOME DOUBT JUST BASED ON THE RESPONSES, AND I AM  
12:40PM 20 GOING TO EXCUSE 124 FOR CAUSE.

12:41PM 21 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

12:41PM 22 ANOTHER ONE TO BRING UP, 126, SHE DID NOT EXPRESS ANY  
12:41PM 23 PARTICULAR ISSUE WITH BEING FAIR OR NOT, BUT SHE DID SAY THAT  
12:41PM 24 SHE RECOGNIZED ONE OF THE WITNESSES.

12:41PM 25 THE WITNESS WAS DR. TERRY HUFF FROM ARIZONA.

12:41PM 1 OBVIOUSLY I DON'T KNOW PRECISELY WHETHER IT IS THE SAME  
12:41PM 2 PERSON. THE DESCRIPTION DID SOUND LIKE IT COULD WELL BE THE  
12:41PM 3 SAME PERSON, AN OB/GYN PHYSICIAN FROM ARIZONA.

12:41PM 4 MAYBE MR. SCHENK CAN SHED MORE LIGHT ON THAT.

12:41PM 5 BUT I JUST WONDER ABOUT THE FAIRNESS OF A JUROR WHO HAS --  
12:41PM 6 I THINK SHE SAID SHE HAD A RELATIONSHIP AND IT WAS HER BEST  
12:41PM 7 FRIEND'S PARENT AND --

12:41PM 8 THE COURT: RIGHT.

12:41PM 9 MR. SCHENK: YOUR HONOR, SHE MENTIONED KNOWLEDGE OF  
12:41PM 10 TWO INDIVIDUALS ON THE LIST OF WITNESSES.

12:41PM 11 FROM HER DESCRIPTION, IT DOES NOT APPEAR TO BE THE SAME  
12:42PM 12 CHRIS LUCAS. I CAN PRETTY SAFELY RULE THAT OUT FROM HER  
12:42PM 13 DESCRIPTION.

12:42PM 14 THE COURT: OKAY.

12:42PM 15 MR. SCHENK: I THINK IT PROBABLY IS THE SAME  
12:42PM 16 TERRY HUFF. THE GOVERNMENT WOULD COMMIT TO NOT CALLING  
12:42PM 17 DR. HUFF IN THIS TRIAL.

12:42PM 18 THE COURT: OKAY.

12:42PM 19 MR. COOPERSMITH: I THINK THAT SOLVES THAT,  
12:42PM 20 YOUR HONOR.

12:42PM 21 THE COURT: ALL RIGHT. THANK YOU.

12:42PM 22 MR. COOPERSMITH: AND THEN I'M LOOKING AT JUROR 161.  
12:42PM 23 AND THIS JUROR MIGHT BE ONE, YOUR HONOR, THAT IT MIGHT BE  
12:42PM 24 HELPFUL TO QUESTION HER INDIVIDUALLY, AND THAT'S BECAUSE IN THE  
12:42PM 25 ANSWERS THAT THE JUROR GAVE, SHE SAID -- I THINK IT'S A SHE.



12:42PM 1 YES.

12:42PM 2 SHE SAID AT FIRST THAT SHE COULD BE FAIR. SHE HESITATED  
12:42PM 3 BEFORE ANSWERING THE QUESTION. BUT THEN WHEN THE COURT ASKED  
12:43PM 4 ADDITIONAL QUESTIONS, SHE SAID SHE'S NOT SURE SHE COULD BE  
12:43PM 5 FAIR.

12:43PM 6 AND THEN IN THE QUESTIONNAIRE, I WOULD JUST NOTE THAT IN  
12:43PM 7 RESPONSE TO QUESTIONS 56 AND 57 ON THE CULTURAL BIAS QUESTION,  
12:43PM 8 SHE WROTE, "I'M NOT SURE. DON'T KNOW HOW TO ANSWER THE  
12:43PM 9 QUESTION."

12:43PM 10 AND THEN ON THE RELATIONSHIP ISSUE, SHE SAID SHE'S NOT  
12:43PM 11 SURE WHAT SHE THINKS ABOUT THE RELATIONSHIP.

12:43PM 12 SO I DON'T KNOW THAT THE RECORD IS FULLY DEVELOPED ON THAT  
12:43PM 13 JUROR YET, BUT THERE DOES SEEM TO BE SOME QUESTION AND IT MIGHT  
12:43PM 14 BE WISE TO QUESTION HER INDIVIDUALLY WHEN THERE'S AN  
12:43PM 15 OPPORTUNITY FOR THAT.

12:43PM 16 THE COURT: WELL, WE'LL ALLOW MORE -- I'M NOT GOING  
12:43PM 17 TO STRIKE FOR CAUSE NOW. WE'LL ALLOW FOR SOME ADDITIONAL  
12:43PM 18 QUESTIONING AND THEN SEE WHERE THAT TAKES US AS TO THIS JUROR.

12:43PM 19 MR. COOPERSMITH: AND THEN --

12:43PM 20 THE COURT: OKAY.

12:43PM 21 MR. COOPERSMITH: AND THEN, YOUR HONOR, THERE'S  
12:43PM 22 JUROR 165.

12:43PM 23 THE JUROR DID SAY HE COULD BE FAIR AT SOME POINT.

12:44PM 24 AND ACTUALLY THERE WERE MAYBE TWO OR THREE JURORS IN THIS  
12:44PM 25 CATEGORY.

1 THE COURT DID A GOOD JOB, I THINK, OF NOT LETTING HIM  
2 ANSWER WHEN HE WAS ABOUT TO SAY THAT HE KNEW ABOUT THE  
3 CONVICTION IN THE PRIOR CASE, BUT AS WITH THE JURORS YESTERDAY,  
4 THAT CATEGORY OF JURORS -- AND I THINK THERE ARE TWO OR THREE  
5 OF THEM, INCLUDING 165 -- IT WOULD BE HELPFUL TO QUESTION THEM  
6 INDIVIDUALLY, YOUR HONOR.

7 THE COURT: OKAY. WELL, LET'S BEAR THAT IN MIND.

8 AND LET'S BRING OUR JURY BACK, AND WE CAN -- I'M NOT DONE  
9 WITH MY QUESTIONS, AND IT SEEMS THAT WHEN I GET TO PAGE 11 OF  
10 MY 19, WE HAVE A LITTLE BIT OF A ROADBLOCK. SO WE'VE GOT SOME  
11 WORK TO DO HERE STILL.

12 SO LET'S GO FORWARD. WE'LL SEE WHAT WE NEED TO DO WITH  
13 THESE OTHER JURORS.

14 MR. SCHENK: THANK YOU.

15 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

16 THE COURT: THANK YOU.

17 (PROSPECTIVE JURY PANEL IN AT 12:44 P.M.)

18 THE COURT: PLEASE BE SEATED. THANK YOU. THANK YOU  
19 FOR YOUR COURTESY.

20 WE ARE BACK ON THE RECORD. OUR PROSPECTIVE JURY PANEL  
21 MEMBERS ARE BACK. ALL COUNSEL ARE BACK, AND MR. BALWANI.

22 THANK YOU, LADIES AND GENTLEMEN. I'D LIKE TO CONTINUE  
23 WITH MY QUESTIONS, PLEASE.

24 NOW, AS I WAS SAYING, THIS WILL BE A LENGTHY TRIAL, LADIES  
25 AND GENTLEMEN, AND THERE MAY BE, THERE MAY BE CONTINUED NEWS

12:47PM 1 COVERAGE, I JUST DON'T KNOW, OF THE MEDIA IN THIS CASE.

12:47PM 2 I WOULD JUST LIKE YOU TO KNOW THAT THE JURORS WILL BE  
12:47PM 3 INSTRUCTED NOT TO READ, LISTEN TO MEDIA COVERAGE OR DO ANY  
12:47PM 4 RESEARCH OR DO ANY INDEPENDENT RESEARCH ABOUT ANYTHING IN THIS  
12:47PM 5 CASE.

12:47PM 6 THIS IS IMPORTANT, AS I MENTIONED EARLIER, AS A JUROR'S  
12:47PM 7 DECISION ON A CASE MUST BE FORMED ONLY BY THE EVIDENCE ADMITTED  
12:47PM 8 AND RECEIVED IN THE COURTROOM AND NOT ON ANY INFORMATION  
12:47PM 9 RECEIVED OUTSIDE THE COURTHOUSE.

12:47PM 10 A JUROR WHO IS EXPOSED TO ANY OUTSIDE INFORMATION MUST  
12:47PM 11 REPORT THAT EXPOSURE TO THE COURT, AND THAT MEANS TO ME VIA MY  
12:47PM 12 STAFF.

12:47PM 13 IS THERE ANYONE WHO WOULD HAVE ANY DIFFICULTY FOLLOWING  
12:47PM 14 THAT ADMONITION?

12:47PM 15 I SEE NO HANDS.

12:48PM 16 IS THERE ANYTHING ABOUT JUST THE NATURE OF THE CHARGES,  
12:48PM 17 WIRE FRAUD AND CONSPIRACY, THAT YOU THINK WOULD CAUSE ANY OF  
12:48PM 18 YOU DIFFICULTY TO SIT AS A JUROR IN THIS CASE? THIS IS JUST  
12:48PM 19 THE NATURE OF THE CHARGES THEMSELVES.

12:48PM 20 I SEE NO HANDS.

12:48PM 21 HAVE ANY OF YOU SERVED AS A JUROR IN A CRIMINAL OR A CIVIL  
12:48PM 22 CASE, OR AS A MEMBER OF A GRAND JURY PREVIOUSLY? ANY JURY  
12:48PM 23 EXPERIENCE IN THE PAST FROM ANYONE?

12:48PM 24 YES, I SEE A HAND. WE'LL GET THE MICROPHONE TO YOU.

12:48PM 25 PROSPECTIVE JUROR: I'M JUROR 160.

12:48PM 1 THE COURT: YES. THANK YOU.

12:48PM 2 PROSPECTIVE JUROR: AND I SERVED IN A CASE ABOUT  
12:48PM 3 15 YEARS AGO, I THINK.

12:48PM 4 THE COURT: OKAY. AND WAS IT A CRIMINAL CASE OR A  
12:48PM 5 CIVIL CASE?

12:48PM 6 PROSPECTIVE JUROR: A CRIMINAL CASE.

12:48PM 7 THE COURT: AND WAS THAT IN STATE COURT?

12:48PM 8 PROSPECTIVE JUROR: IT WAS IN THIS COURT.

12:49PM 9 THE COURT: IN FEDERAL COURT?

12:49PM 10 PROSPECTIVE JUROR: FEDERAL COURT.

12:49PM 11 THE COURT: OKAY. ALL RIGHT.

12:49PM 12 AND WITHOUT TELLING ME -- CAN YOU TELL ME WHAT THE NATURE  
12:49PM 13 OF THE CHARGES WERE, IF YOU REMEMBER?

12:49PM 14 PROSPECTIVE JUROR: I WOULD NOT BE ABLE TO LIST YOU  
12:49PM 15 THE CHARGES.

12:49PM 16 THE COURT: OKAY. OKAY.

12:49PM 17 PROSPECTIVE JUROR: THERE WERE ABOUT 13 CHARGES.

12:49PM 18 THE COURT: OKAY. CAN YOU TELL ME, WITHOUT TELLING  
12:49PM 19 ME WHAT THE VERDICT WAS, BUT CAN YOU TELL ME, WAS THE JURY ABLE  
12:49PM 20 TO REACH A VERDICT OR VERDICTS IN THAT CASE?

12:49PM 21 PROSPECTIVE JUROR: WE WERE NOT ABLE TO REACH A  
12:49PM 22 VERDICT.

12:49PM 23 THE COURT: OKAY. ALL RIGHT.

12:49PM 24 AND THAT WAS 15 YEARS AGO? SOMETHING LIKE THAT?

12:49PM 25 PROSPECTIVE JUROR: YES.

12:49PM 1 THE COURT: ALL RIGHT. THANK YOU.

12:49PM 2 PROSPECTIVE JUROR: IT'S BEEN A WHILE, YES.

12:49PM 3 THE COURT: RIGHT. IS THERE ANYTHING ABOUT THAT

12:49PM 4 EXPERIENCE THAT YOU THINK WOULD AFFECT YOUR ABILITY TO BE FAIR

12:49PM 5 TO BOTH SIDES IN THIS CASE?

12:49PM 6 PROSPECTIVE JUROR: NO.

12:49PM 7 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

12:49PM 8 PROSPECTIVE JUROR: YOU'RE WELCOME.

12:50PM 9 THE COURT: ANY OTHER PRIOR JURY SERVICE FROM

12:50PM 10 ANYONE?

12:50PM 11 I SEE NO HANDS.

12:50PM 12 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN ACCUSED OF WIRE

12:50PM 13 FRAUD OR ALLEGATIONS REGARDING FRAUDULENT CONDUCT? ANYONE HAVE

12:50PM 14 THAT EXPERIENCE?

12:50PM 15 AGAIN, WE CAN TALK PRIVATELY IF YOU WISH.

12:50PM 16 YES.

12:50PM 17 PROSPECTIVE JUROR: WHILE THE CASE DID NOT INVOLVE

12:50PM 18 WIRE FRAUD, ABOUT 20 YEARS AGO I WAS THE SUBORDINATE TO A

12:50PM 19 PUBLIC OFFICIAL WHO WAS CHARGED AND PLED NO CONTEST TO CHARGES

12:50PM 20 THAT INCLUDED FRAUD IN HUMBOLDT SUPERIOR COURT.

12:50PM 21 THE COURT: AND YOU'RE JUROR?

12:50PM 22 PROSPECTIVE JUROR: 115.

12:50PM 23 THE COURT: ALL RIGHT. THANK YOU.

12:51PM 24 AND THE CONDUCT OF, I'LL JUST SAY YOUR SUPERIOR IN THAT

12:51PM 25 CASE, THAT IN NO WAY RELATED TO YOU, YOUR CONDUCT? IT WAS

12:51PM 1 THAT --

12:51PM 2 PROSPECTIVE JUROR: THAT IS CORRECT.

12:51PM 3 THE COURT: DID YOU -- WERE YOU CAUSED TO TESTIFY AT  
12:51PM 4 A HEARING OF ANY KIND?

12:51PM 5 PROSPECTIVE JUROR: NO. I ASSISTED THE  
12:51PM 6 INVESTIGATING AGENCY IN DEVELOPING THEIR CASE.

12:51PM 7 THE COURT: ALL RIGHT. YOU WERE INTERVIEWED BY THE  
12:51PM 8 AUTHORITIES IN THE CASE?

12:51PM 9 PROSPECTIVE JUROR: YEAH.

12:51PM 10 THE COURT: ASSISTED THEM IN THEIR INVESTIGATION?

12:51PM 11 PROSPECTIVE JUROR: YES, I DID.

12:51PM 12 THE COURT: OKAY. THANK YOU.

12:51PM 13 AND REPORTS WERE MADE BASED ON YOUR INTERVIEW I PRESUME?

12:51PM 14 PROSPECTIVE JUROR: I BELIEVE SO.

12:51PM 15 THE COURT: THANK YOU. IS THERE ANYTHING ABOUT THAT  
12:51PM 16 EXPERIENCE THAT YOU THINK IMPAIRS YOUR ABILITY TO BE FAIR AND  
12:51PM 17 IMPARTIAL TO BOTH SIDES HERE?

12:51PM 18 PROSPECTIVE JUROR: NO.

12:51PM 19 THE COURT: OKAY. THE FACT THAT YOU DID ASSIST IN A  
12:51PM 20 PROSECUTION, ALBEIT 20 YEARS AGO, DOES THAT CAUSE THE DEFENSE  
12:51PM 21 WORRY THAT YOU MIGHT BE ALIGNED WITH PROSECUTIONS?

12:51PM 22 PROSPECTIVE JUROR: I DON'T BELIEVE IT SHOULD.

12:51PM 23 THE COURT: OKAY. AND THAT'S BECAUSE IT DOESN'T?

12:51PM 24 PROSPECTIVE JUROR: NO, IT DOES NOT.

12:51PM 25 THE COURT: OKAY. ALL RIGHT.

12:51PM 1 PROSPECTIVE JUROR: THESE CASES ARE VERY DISSIMILAR.

12:52PM 2 THE COURT: OKAY. AND YOU CAN BE FAIR TO THE

12:52PM 3 GOVERNMENT?

12:52PM 4 PROSPECTIVE JUROR: YES.

12:52PM 5 THE COURT: YOU CAN FAIR TO THE DEFENSE?

12:52PM 6 PROSPECTIVE JUROR: YES, I CAN.

12:52PM 7 THE COURT: ANY PROBLEM PRESUMING MR. BALWANI TO BE

12:52PM 8 INNOCENT --

12:52PM 9 PROSPECTIVE JUROR: NOT AT ALL.

12:52PM 10 THE COURT: -- AS HE SITS HERE TODAY?

12:52PM 11 PROSPECTIVE JUROR: NO.

12:52PM 12 THE COURT: ANYTHING ELSE YOU WOULD LIKE ME TO KNOW

12:52PM 13 ABOUT THAT?

12:52PM 14 PROSPECTIVE JUROR: NO, YOUR HONOR.

12:52PM 15 THE COURT: ALL RIGHT. THANK YOU FOR SHARING THAT.

12:52PM 16 ANY OTHER RESPONSE TO THIS QUESTION?

12:52PM 17 I SEE NO HANDS.

12:52PM 18 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN EMPLOYED BY A

12:52PM 19 LAW ENFORCEMENT AGENCY, INCLUDING A DISTRICT ATTORNEY'S OFFICE

12:52PM 20 OR UNITED STATES ATTORNEY'S OFFICE, FBI, I.R.S., OR ANYONE IN

12:52PM 21 THE CRIMINAL JUSTICE SYSTEM, INCLUDING LAWYERS OR

12:52PM 22 INVESTIGATORS? ANYONE?

12:52PM 23 I SEE A HAND IN THE BACK.

12:53PM 24 PROSPECTIVE JUROR: YEAH, I'M 181.

12:53PM 25 THE COURT: YES.

12:53PM 1 PROSPECTIVE JUROR: I HAVE A FRIEND WHO WORKS FOR  
12:53PM 2 MEDICARE FRAUD. I DON'T KNOW WHAT THE DEPARTMENT IS, HEALTH  
12:53PM 3 AND HUMAN SERVICES, I THINK. HE INVESTIGATES MEDICARE FRAUD  
12:53PM 4 AND BUSTS CRIMINALS I GUESS.

12:53PM 5 THE COURT: OKAY. DO YOU TALK TO YOUR FRIEND ABOUT  
12:53PM 6 HIS WORK?

12:53PM 7 PROSPECTIVE JUROR: OFTEN.

12:53PM 8 THE COURT: OKAY. IS THERE ANYTHING ABOUT THOSE  
12:53PM 9 CONVERSATIONS THAT YOU THINK WOULD IMPAIR OR AFFECT YOUR  
12:53PM 10 ABILITY TO BE FAIR TO BOTH SIDES HERE?

12:53PM 11 PROSPECTIVE JUROR: I DON'T THINK SO. HE HAS VERY  
12:53PM 12 LITTLE TOLERANCE FOR NONSENSE AND IT'S VERY CLEAR. BUT I THINK  
12:53PM 13 I CAN BE IMPARTIAL, NO PROBLEM.

12:53PM 14 THE COURT: OKAY. WOULD YOU BE -- IF YOU'RE SEATED  
12:53PM 15 AS A JUROR IN THIS CASE, WOULD YOU BE ABLE TO -- IF HE WERE TO  
12:53PM 16 DISCOVER THAT, IF HE WERE TO DISCOVER THAT YOU'RE A JUROR IN  
12:53PM 17 THIS CASE, WOULD YOU BE ABLE TO REFRAIN FROM TALKING WITH HIM  
12:53PM 18 ABOUT YOUR JURY SERVICE AND ABOUT THIS CASE?

12:53PM 19 PROSPECTIVE JUROR: CERTAINLY. CERTAINLY.

12:53PM 20 THE COURT: AND YOU WOULD BE ABLE TO TELL HIM THAT  
12:54PM 21 YOU CAN'T DISCUSS THE FACTS OR CIRCUMSTANCES OF THIS CASE?

12:54PM 22 PROSPECTIVE JUROR: I WOULD TELL HIM THAT. HE WOULD  
12:54PM 23 ACCEPT THAT BECAUSE HE'S VERY BY THE BOOK.

12:54PM 24 THE COURT: OKAY. IF YOU WERE SEATED AS A JUROR AND  
12:54PM 25 THE EVIDENCE WERE TO SHOW YOU IN YOUR MIND THAT YOU SHOULD VOTE



12:54PM 1 FOR NOT GUILTY IN THIS CASE, WOULD YOU BE ABLE TO DO THAT AND  
12:54PM 2 STILL FACE YOUR FRIEND?

12:54PM 3 PROSPECTIVE JUROR: CERTAINLY.

12:54PM 4 THE COURT: DO YOU HAVE ANY DIFFICULTY ABOUT HAVING  
12:54PM 5 THANKSGIVING DINNER WITH HIM KNOWING THAT YOU VOTED NOT GUILTY?

12:54PM 6 PROSPECTIVE JUROR: NO PROBLEM AT ALL.

12:54PM 7 THE COURT: OKAY. YOU DON'T THINK THAT WOULD BE AN  
12:54PM 8 ISSUE?

12:54PM 9 PROSPECTIVE JUROR: NO, NO.

12:54PM 10 THE COURT: OKAY. I'M GOING TO ASK YOU AGAIN, CAN  
12:54PM 11 YOU BE FAIR TO MR. BALWANI IN THIS CASE?

12:54PM 12 PROSPECTIVE JUROR: SURE.

12:54PM 13 THE COURT: IS THERE ANY DOUBT IN YOUR MIND ABOUT  
12:54PM 14 THAT?

12:54PM 15 PROSPECTIVE JUROR: YOU KNOW, I'VE HEARD GENERAL  
12:54PM 16 THINGS IN THE NEWS ABOUT THERANOS AND STUFF, SO I HAVE A  
12:54PM 17 GENERAL OPINION.

12:54PM 18 BUT I'VE NEVER DONE ANY RESEARCH ON MY OWN TO FORM MY OWN  
12:54PM 19 OPINION, SO I THINK I CAN HEAR THE EVIDENCE.

12:54PM 20 THE COURT: OKAY. CAN YOU PUT EVERYTHING THAT YOU  
12:54PM 21 HEARD OUTSIDE OF THE COURTROOM AND NOT THINK ABOUT IT AND LET  
12:55PM 22 IT AFFECT YOUR DECISION AND THOUGHT PROCESS IN THIS CASE AS A  
12:55PM 23 JUROR?

12:55PM 24 PROSPECTIVE JUROR: YEAH, I CAN DO THAT.

12:55PM 25 THE COURT: OKAY. ARE YOU GOING TO HAVE ANY

12:55PM 1 DIFFICULTY TO DO THAT?

12:55PM 2 PROSPECTIVE JUROR: NO, I DON'T THINK SO. I HAVE TO  
12:55PM 3 REMIND MYSELF TO BE IMPARTIAL, BUT I DON'T THINK IT WOULD BE  
12:55PM 4 TOO DIFFICULT TO DO.

12:55PM 5 THE COURT: OKAY. THANK YOU.

12:55PM 6 THERE WAS ANOTHER HAND, I THINK, IN THE FRONT.

12:55PM 7 PROSPECTIVE JUROR: JUROR 133.

12:55PM 8 THE COURT: YES.

12:55PM 9 PROSPECTIVE JUROR: I HAVE A FRIEND WHO DOESN'T --  
12:55PM 10 HE'S IN LAW SCHOOL RIGHT NOW, BUT ONCE HE GRADUATES IN MAY  
12:55PM 11 HE'LL BE WORKING FOR THE FEDERAL GOVERNMENT AS A LAWYER.

12:55PM 12 THE COURT: DO YOU KNOW WHAT BRANCH OF THE FEDERAL  
12:55PM 13 GOVERNMENT?

12:55PM 14 PROSPECTIVE JUROR: I DON'T KNOW. I THINK IT'S THE  
12:55PM 15 ELEVENTH CIRCUIT.

12:55PM 16 THE COURT: I'M SORRY, THE ELEVENTH CIRCUIT?

12:55PM 17 PROSPECTIVE JUROR: YEAH, THE ELEVENTH CIRCUIT,  
12:55PM 18 YEAH, I THINK.

12:55PM 19 THE COURT: IT'S A HE?

12:55PM 20 PROSPECTIVE JUROR: HE, YES.

12:55PM 21 THE COURT: IS HE GOING TO CLERK FOR A JUDGE? IS  
12:55PM 22 THAT WHAT YOU THINK?

12:56PM 23 PROSPECTIVE JUROR: I'M UNSURE. HE'S MAINLY TALKING  
12:56PM 24 ABOUT WHAT HE'S DOING RIGHT NOW, BUT I KNOW HE'S GOING TO  
12:56PM 25 FEDERAL.

12:56PM 1 THIS IS NEW INFORMATION THAT I GATHERED AFTER FILLING OUT  
12:56PM 2 MY QUESTIONNAIRE.

12:56PM 3 THE COURT: I SEE. I SEE.

12:56PM 4 PROSPECTIVE JUROR: YEAH.

12:56PM 5 THE COURT: AND IS THAT PERSON IN THEIR FINAL YEAR  
12:56PM 6 OF LAW SCHOOL?

12:56PM 7 PROSPECTIVE JUROR: YES.

12:56PM 8 THE COURT: THIRD YEAR?

12:56PM 9 PROSPECTIVE JUROR: YEAH, HE GRADUATES IN MAY.

12:56PM 10 THE COURT: OKAY. AND THEN HE'S GOING TO -- AFTER  
12:56PM 11 HE SITS FOR THE BAR, THEN HE'S GOING TO WORK, AS FAR AS YOU  
12:56PM 12 KNOW, FOR A CIRCUIT COURT JUDGE?

12:56PM 13 PROSPECTIVE JUROR: YES.

12:56PM 14 THE COURT: I SEE. OKAY. HAVE YOU TALKED TO YOUR  
12:56PM 15 FRIEND ANYTHING ABOUT THE LAW?

12:56PM 16 PROSPECTIVE JUROR: YEAH.

12:56PM 17 THE COURT: AND APART FROM HIS LOVE FOR THE LAW, HAS  
12:56PM 18 HE SAID ANYTHING ELSE TO YOU ABOUT IT?

12:56PM 19 PROSPECTIVE JUROR: NOTHING IN, LIKE, PARTICULAR.

12:56PM 20 THE COURT: OKAY. ALL RIGHT.

12:56PM 21 IS THERE ANYTHING ABOUT YOUR KNOWLEDGE OF HIM AND THE FACT  
12:56PM 22 THAT HE'S GOING TO BE A LAWYER THAT YOU THINK WILL AFFECT YOUR  
12:56PM 23 ABILITY TO BE FAIR TO BOTH SIDES HERE?

12:56PM 24 PROSPECTIVE JUROR: NO.

12:56PM 25 THE COURT: OKAY. IF YOU'RE SEATED AS A JUROR IN

12:56PM 1 THIS CASE, WOULD YOU BE ABLE TO REFRAIN, TO KEEP FROM  
12:56PM 2 DISCUSSING YOUR SERVICE WITH HIM?

12:57PM 3 PROSPECTIVE JUROR: YES.

12:57PM 4 THE COURT: OKAY. ANY DOUBT ABOUT THAT?

12:57PM 5 PROSPECTIVE JUROR: NO.

12:57PM 6 THE COURT: OKAY. ALL RIGHT. THANK YOU.

12:57PM 7 ANYONE ELSE?

12:57PM 8 I SEE NO HANDS.

12:57PM 9 WOULD ANY OF YOU GIVE GREATER OR LESSER CREDENCE TO A  
12:57PM 10 WITNESS WHO IS A LAW ENFORCEMENT OFFICER, AGENT, OR GOVERNMENT  
12:57PM 11 REPRESENTATIVE SIMPLY BECAUSE THAT WITNESS IS A LAW ENFORCEMENT  
12:57PM 12 OFFICER, AGENT, OR GOVERNMENT REPRESENTATIVE?

12:57PM 13 THIS QUESTION IS DESIGNED TO ASK, WOULD YOU GIVE GREATER  
12:57PM 14 OR LESSER WEIGHT TO LAW ENFORCEMENT OR SOMEONE CONNECTED WITH  
12:57PM 15 LAW ENFORCEMENT JUST BECAUSE OF THEIR JOB, NOT EVEN THINKING  
12:57PM 16 ABOUT WHAT THEIR TESTIMONY IS, BUT JUST BECAUSE OF THE NATURE  
12:57PM 17 OF THEIR JOB, WOULD ANY OF YOU TEND TO GIVE GREATER OR LESSER  
12:57PM 18 WEIGHT TO THAT TESTIMONY JUST BECAUSE OF THE EMPLOYMENT?

12:57PM 19 I SEE A HAND IN THE BACK. YES. 181.

12:58PM 20 PROSPECTIVE JUROR: I ANSWERED THIS YES ON THE  
12:58PM 21 QUESTIONNAIRE.

12:58PM 22 I THINK LAW ENFORCEMENT OFFICERS ARE TRAINED TO DO THIS  
12:58PM 23 EVERY DAY. THEY FACE IT MORE OFTEN THAN WE DO. I THINK THEIR  
12:58PM 24 CREDIBILITY IS A LOT HIGHER BECAUSE OF THAT. THEY HAVE MORE  
12:58PM 25 EXPERIENCE. THEY HAVE MORE TRAINING ON HOW TO DEAL WITH IT. I

12:58PM 1 THINK THEY HAVE A LOT MORE CREDIBILITY, YEAH.

12:58PM 2 THE COURT: OKAY. ALL RIGHT.

12:58PM 3 DO YOU THINK THAT, DO YOU THINK THAT, LAW ENFORCEMENT  
12:58PM 4 BEING HUMAN, DO YOU THINK THAT THEY EVER MAKE A MISTAKE?

12:58PM 5 PROSPECTIVE JUROR: OH, I THINK THEY MAKE MISTAKES  
12:58PM 6 OFTEN, YES.

12:58PM 7 THE COURT: OKAY. AND WOULD YOU CONSIDER THAT WHEN  
12:58PM 8 YOU CONSIDER THE TESTIMONY OF ANY WITNESS, NOT JUST LAW  
12:58PM 9 ENFORCEMENT, BUT ANY WITNESS?

12:58PM 10 PROSPECTIVE JUROR: I THINK YOU WOULD HAVE TO, YEAH.

12:58PM 11 THE COURT: RIGHT. AND I APPRECIATE YOUR ANSWER,  
12:58PM 12 BECAUSE I ANTICIPATE THAT THERE WILL BE WITNESSES CALLED BY THE  
12:58PM 13 GOVERNMENT WHO ARE RELATED TO LAW ENFORCEMENT OR LAW  
12:59PM 14 ENFORCEMENT AGENTS OR AGENCIES.

12:59PM 15 AS I SAID EARLIER, WHAT THE PARTIES WANT ARE JURORS WHO  
12:59PM 16 CAN WEIGH THE CREDIBILITY OF WITNESSES BASED ON THE NATURE, THE  
12:59PM 17 QUALITY, AND THE CHARACTER OF THEIR TESTIMONY, INCLUDING THE  
12:59PM 18 DEMEANOR OF THE WITNESS WHILE THEY TESTIFY. THAT'S ANOTHER  
12:59PM 19 FACTOR THAT JURORS CAN USE TO CONSIDER THE QUALITY OF THE  
12:59PM 20 TESTIMONY.

12:59PM 21 IS THAT SOMETHING THAT YOU THINK YOU CAN DO? CAN YOU  
12:59PM 22 LISTEN -- YOU JUST TOLD ME, WELL, I THINK I WOULD GIVE MORE  
12:59PM 23 CREDIBILITY BECAUSE OF THE NATURE OF THEIR WORK.

12:59PM 24 I APPRECIATE THAT.

12:59PM 25 BUT THAT'S WHAT THE JOB OF A JUROR FOR THIS CASE REQUIRES.

12:59PM 1 IS THAT SOMETHING THAT YOU THINK YOU CAN DO?

12:59PM 2 PROSPECTIVE JUROR: I THINK SO.

12:59PM 3 I THINK A POLICE OFFICER WOULD START OFF WITH HIGHER  
12:59PM 4 CREDIBILITY NORMALLY, BUT BASED ON HIS OR HER TESTIMONY, THEY  
12:59PM 5 COULD DEFINITELY LOWER IT.

12:59PM 6 SO IT DEPENDS ON HOW THEY BEHAVE. IT DEPENDS ON THE  
12:59PM 7 NATURE OF THEIR TESTIMONY. LIKE, IT'S UP TO THEM, YEAH.

12:59PM 8 THE COURT: OKAY. AND THANK YOU FOR THAT.

12:59PM 9 WHAT I HEAR YOU SAYING IS A WITNESS, LAW ENFORCEMENT  
01:00PM 10 STARTS OFF HIGH AND THEN, AS OPPOSED TO A LAY WITNESS, A  
01:00PM 11 PRIVATE CITIZEN WITNESS, YOU THINK THEY START OFF HIGHER, AND  
01:00PM 12 THEN YOU'LL LISTEN TO SEE IF THEIR TESTIMONY GETS DOWN TO THE  
01:00PM 13 LEVEL OF A NON-LAW ENFORCEMENT PERSON?

01:00PM 14 PROSPECTIVE JUROR: CORRECT.

01:00PM 15 THE COURT: OKAY. IF I TOLD YOU THAT THE PREFERENCE  
01:00PM 16 IS FOR ALL WITNESSES TO STAY THE SAME, START OFF THE SAME,  
01:00PM 17 WITHOUT REGARD TO JUST BECAUSE OF THEIR JOB, BUT ALL WITNESSES  
01:00PM 18 SHOULD BE GIVEN THE SAME WEIGHT, BUT THE JURY THEN DECIDES HOW  
01:00PM 19 MUCH CREDIBILITY TO GIVE TO WEIGH TO -- BASED ON THEIR  
01:00PM 20 TESTIMONY, NOT NECESSARILY THEIR JOB, ALTHOUGH THAT'S A FACTOR  
01:00PM 21 THAT CAN BE CONSIDERED, BUT NOT THE ONLY FACTOR, DOES THAT --  
01:00PM 22 DO YOU UNDERSTAND THAT CONCEPT?

01:00PM 23 PROSPECTIVE JUROR: I DO UNDERSTAND THAT, AND I WILL  
01:00PM 24 FOLLOW THE RULES, YEAH.

01:00PM 25 THE COURT: OKAY. WELL, THAT'S A GOOD -- THANK YOU

01:00PM 1 FOR THAT.

01:01PM 2 IF I INSTRUCT YOU THAT THAT'S THE LAW, IF I GIVE YOU  
01:01PM 3 INSTRUCTIONS ON HOW TO WEIGH CREDIBILITY, YOU'LL BE ABLE TO  
01:01PM 4 FOLLOW THOSE INSTRUCTIONS?

01:01PM 5 PROSPECTIVE JUROR: I WILL, YES.

01:01PM 6 THE COURT: AND THIS IS NOT A -- LET ME SAY, I'M NOT  
01:01PM 7 PICKING ON YOU NUMBER 181, BUT IT'S A COMMON -- THIS IS VERY  
01:01PM 8 COMMON, HAVING INDIVIDUALS OR JURORS WHO KNOW LAW ENFORCEMENT  
01:01PM 9 OR OTHER PROFESSIONS, DOCTORS OR OTHER PROFESSIONS, THEY  
01:01PM 10 FREQUENTLY SAY, WELL, GEE, I KNOW THE WORK THEY DO, I KNOW  
01:01PM 11 THEIR BACKGROUND AND EXPERIENCE, SO, YEAH, I THINK I WOULD GIVE  
01:01PM 12 THEM MORE WEIGHT.

01:01PM 13 BUT SOMETIMES THAT'S NOT FAIR TO BOTH SIDES JUST BECAUSE  
01:01PM 14 OF THEIR JOBS. THE IMPORTANCE AND THE QUALITY AND THE NATURE  
01:01PM 15 AND CHARACTER OF THE TESTIMONY IS SOMETHING THAT SHOULD BE  
01:01PM 16 ANALYZED BY THE JURY.

01:01PM 17 AS YOU SAID, I THINK YOU ALL RECOGNIZED WE'RE HUMANS  
01:01PM 18 SUBJECT TO FOIBLE AND MISTAKES AND ERROR, AND JUDGES MAKE  
01:02PM 19 MISTAKES AND THEY HAVE APPELLATE COURTS THAT GRADE OUR PAPERS  
01:02PM 20 AND THEY CAN TELL US ABOUT OUR MISTAKES.

01:02PM 21 SO IT'S IMPORTANT TO RECOGNIZE THAT.

01:02PM 22 ANY QUESTIONS OR ANYTHING ELSE YOU WOULD LIKE ME TO KNOW  
01:02PM 23 ABOUT THAT, SIR?

01:02PM 24 PROSPECTIVE JUROR: NO MORE. THANKS.

01:02PM 25 THE COURT: OKAY. THANK YOU.

ANYONE ELSE IN REGARDS TO THIS QUESTION?

I SEE NO HANDS.

DO ANY OF YOU HAVE ANY OPINIONS ABOUT THE UNITED STATES GOVERNMENT OR THE STATE OF CALIFORNIA OR ANY FEDERAL OR STATE LAW ENFORCEMENT AGENCY THAT MAY AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL IN THIS CASE? ANYONE FEEL THAT MIGHT BE AN ISSUE?

I SEE NO HANDS.

IS ANYONE OF THE OPINION THAT THE CRIMINAL JUSTICE SYSTEM IS FUNDAMENTALLY UNFAIR IN SOME WAY SUCH THAT YOUR ABILITY TO BE FAIR AND IMPARTIAL TO BOTH SIDES MIGHT BE COMPROMISED?

ANYONE FEEL THAT JUST THE NATURE OF THE CRIMINAL JUSTICE SYSTEM HAS ISSUES THAT WOULD AFFECT YOUR ABILITY TO BE A JUROR IN THIS CASE?

I SEE NO HANDS.

A DEFENDANT IN A CRIMINAL CASE IS PRESUMED TO BE INNOCENT. THIS PRESUMPTION REQUIRES THE GOVERNMENT TO PROVE EACH ELEMENT OF A CRIME BEYOND A REASONABLE DOUBT.

PROOF BEYOND A REASONABLE DOUBT IS PROOF THAT LEAVES YOU FIRMLY CONVINCED THAT THE DEFENDANT IS GUILTY.

IT IS NOT REQUIRED THAT THE GOVERNMENT PROVE GUILT BEYOND ALL POSSIBLE DOUBT. A REASONABLE DOUBT IS A DOUBT BASED UPON REASON AND COMMON SENSE AND IS NOT BASED PURELY ON SPECULATION. IT MAY ARISE FROM A CAREFUL AND IMPARTIAL CONSIDERATION OF ALL OF THE EVIDENCE, OR FROM A LACK OF EVIDENCE.



01:03PM 1 IF AFTER A CAREFUL AND IMPARTIAL CONSIDERATION OF ALL OF  
01:03PM 2 THE EVIDENCE YOU ARE NOT CONVINCED BEYOND A REASONABLE DOUBT  
01:03PM 3 THAT THE DEFENDANT IS GUILTY, IT IS YOUR DUTY TO FIND THE  
01:04PM 4 DEFENDANT NOT GUILTY.

01:04PM 5 ON THE OTHER HAND, IF AFTER A CAREFUL AND IMPARTIAL  
01:04PM 6 CONSIDERATION OF ALL OF THE EVIDENCE, YOU ARE CONVINCED BEYOND  
01:04PM 7 A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY, IT IS YOUR  
01:04PM 8 DUTY TO FIND THE DEFENDANT GUILTY.

01:04PM 9 CAN YOU ALL APPLY THE LAW AS GIVEN BY THE COURT, INCLUDING  
01:04PM 10 THE PRESUMPTION OF INNOCENCE, AND THE GOVERNMENT'S BURDEN OF  
01:04PM 11 PROOF BEYOND A REASONABLE DOUBT? IS THERE ANYONE WHO CANNOT DO  
01:04PM 12 THAT?

01:04PM 13 I SEE NO HANDS.

01:04PM 14 IS THERE ANYONE WHO BELIEVES THAT JUST BECAUSE MR. BALWANI  
01:04PM 15 IS PRESENT IN THIS COURT, HE MUST BE GUILTY? ANYONE FEEL THAT?

01:04PM 16 I SEE NO HANDS.

01:04PM 17 IS THERE ANYONE WHO CANNOT PRESUME MR. BALWANI INNOCENT OF  
01:04PM 18 THE CHARGES AS HE SITS HERE RIGHT NOW? ANYONE WHO HAS  
01:04PM 19 DIFFICULTY OR PARTS COMPANY WITH THAT CONCEPT?

01:05PM 20 I SEE NO HANDS.

01:05PM 21 NOW, YOU HAVE SEEN A VIDEO THAT DISCUSSES THE TOPIC OF  
01:05PM 22 UNCONSCIOUS BIAS. WE SHOW THAT VIDEO AS AN AID TO PROSPECTIVE  
01:05PM 23 JURORS AS THEY CONSIDER THEIR JURY SERVICE AND THE TASK BEFORE  
01:05PM 24 THEM.

01:05PM 25 IT IS MEANT AS AN EDUCATIONAL TOOL TO INFORM REGARDING

01:05PM 1 RESEARCH AND STUDIES ON THE ISSUES OF BIAS AND UNCONSCIOUS  
01:05PM 2 BIAS, AND I HOPE THAT YOU FOUND THAT VIDEO HELPFUL AND  
01:05PM 3 INFORMATIVE.

01:05PM 4 IN OUR NATION AND STATE WE HAVE CITIZENS, RESIDENTS AND  
01:05PM 5 NONCITIZENS, FROM MANY DIFFERENT RACES, ETHNIC AND CULTURAL  
01:05PM 6 BACKGROUNDS.

01:05PM 7 IN THE JURISDICTION OF THIS COURT, WE ENJOY A RICH  
01:05PM 8 DIVERSITY OF INDIVIDUALS AND CULTURES.

01:05PM 9 UNDER THE LAW, ALL PEOPLE WHO APPEAR IN COURT, REGARDLESS  
01:05PM 10 OF RACE, RELIGION, ETHNIC HERITAGE, GENDER, AGE, OR SEXUAL  
01:05PM 11 ORIENTATION ARE ENTITLED TO DUE PROCESS OF THE LAW, AND WE  
01:06PM 12 GUARANTEE EACH PERSON THE RIGHT TO A FAIR AND IMPARTIAL TRIAL.

01:06PM 13 WE ARE TO JUDGE EACH INDIVIDUAL AS WE WOULD WANT TO BE  
01:06PM 14 JUDGED, FAIRLY AND IMPARTIALLY.

01:06PM 15 NOW, IT MAY APPEAR THAT ONE OR MORE OF THE PARTIES,  
01:06PM 16 ATTORNEYS, OR WITNESSES COME FROM A NATIONAL, RACIAL, OR  
01:06PM 17 RELIGIOUS GROUP OR MAY HAVE A DIFFERENT LIFESTYLE FROM YOUR  
01:06PM 18 OWN.

01:06PM 19 WOULD THIS IN ANY WAY AFFECT ANY OF YOUR JUDGMENTS OR THE  
01:06PM 20 WEIGHT AND CREDIBILITY YOU WOULD GIVE TO THE EVIDENCE IN THIS  
01:06PM 21 CASE? ANYONE WHO FEELS THAT THAT MIGHT BE AN ISSUE FOR THEM?

01:06PM 22 I SEE NO HANDS.

01:06PM 23 TO REACH A VERDICT, THE JURY MUST BE UNANIMOUS.

01:06PM 24 DO ALL OF YOU ACCEPT THE REQUIREMENT THAT THE JURY'S  
01:06PM 25 VERDICT BE UNANIMOUS? ANYONE WHO PARTS COMPANY WITH THAT

01:06PM 1 CONCEPT OR DISAGREES WITH THAT?

01:06PM 2 I SEE NO HANDS.

01:06PM 3 DOES ANYONE FEEL THAT BECAUSE OF A PHILOSOPHICAL, MORAL,  
01:07PM 4 OR RELIGIOUS OR OTHER REASON, THEY CANNOT SIT AS A JUROR IN A  
01:07PM 5 CRIMINAL CASE, OR THAT WOULD CAUSE DISCOMFORT OR AN INABILITY  
01:07PM 6 TO REACH A VERDICT IN A CRIMINAL CASE? ANYONE FEEL THAT THAT  
01:07PM 7 MIGHT BE AN ISSUE FOR THEM?

01:07PM 8 I SEE NO HANDS.

01:07PM 9 AS A JURY, YOU'RE NOT TO CONSIDER OR SPECULATE ON THE  
01:07PM 10 ISSUE OF PUNISHMENT. THAT QUESTION IS SOLELY IN THE PROVINCE  
01:07PM 11 OF THE COURT.

01:07PM 12 IS THERE ANYONE WHO PARTS COMPANY WITH THAT? ANYONE WHO  
01:07PM 13 FEELS THAT THAT IS NOT APPROPRIATE?

01:07PM 14 IS THERE ANYONE WHO DOES NOT UNDERSTAND THAT CONCEPT?

01:07PM 15 I SEE NO HANDS.

01:07PM 16 IN OUR COURTS, AN ACCUSED HAS THE RIGHT TO REMAIN SILENT  
01:07PM 17 AND TO NOT TESTIFY. A DEFENDANT MAY CHOOSE TO RELY ON THE  
01:07PM 18 STATE OF THE EVIDENCE AT THE CONCLUSION OF THE GOVERNMENT'S  
01:07PM 19 CASE AND PRESENT NO AFFIRMATIVE EVIDENCE.

01:07PM 20 DO ALL OF YOU ACCEPT A DEFENDANT'S RIGHT UNDER THE  
01:08PM 21 CONSTITUTION TO REMAIN SILENT AND, THUS, CHOOSE NOT TO TESTIFY  
01:08PM 22 IN THIS CASE? IS THERE ANYONE WHO PARTS COMPANY WITH THAT?

01:08PM 23 I SEE NO HANDS.

01:08PM 24 IF MR. BALWANI RELIES ON HIS RIGHT NOT TO TESTIFY, WILL  
01:08PM 25 ANYONE HOLD THAT AGAINST HIM?

01:08PM 1 I SEE NO HANDS.

01:08PM 2 WOULD ANYONE FEEL LIKE HE WOULD BE HIDING SOMETHING FROM

01:08PM 3 YOU AS A JUROR IF HE DID NOT TESTIFY?

01:08PM 4 I SEE NO HANDS.

01:08PM 5 ARE ANY OF YOU OR ANY MEMBERS OF YOUR FAMILY OR CLOSE

01:08PM 6 FRIENDS ATTORNEYS, LAW STUDENTS, OR PARALEGALS?

01:08PM 7 AND I KNOW JUROR NUMBER 133, WE KNOW ABOUT YOUR FRIEND.

01:08PM 8 ANYONE ELSE WHO HAS FRIENDS IN THE LEGAL BUSINESS?

01:08PM 9 I SEE NO HANDS.

01:08PM 10 HAVE YOU OR -- OH, I'M SORRY. I DO SEE A HAND. I BEG

01:08PM 11 YOUR PARDON.

01:08PM 12 PROSPECTIVE JUROR: I'M JUROR 125.

01:08PM 13 THE COURT: YES.

01:09PM 14 PROSPECTIVE JUROR: MY FRIEND IS GENERAL COUNSEL FOR

01:09PM 15 VTA.

01:09PM 16 THE COURT: YOU HAVE -- YOUR FRIEND IS THE GENERAL

01:09PM 17 COUNSEL FOR THE --

01:09PM 18 PROSPECTIVE JUROR: VTA.

01:09PM 19 THE COURT: VTA, THE VALLEY TRANSIT ASSOCIATION?

01:09PM 20 PROSPECTIVE JUROR: YES.

01:09PM 21 THE COURT: AND HOW LONG HAVE THEY HAD THAT

01:09PM 22 POSITION?

01:09PM 23 PROSPECTIVE JUROR: FOR SURE I THINK IT'S THREE

01:09PM 24 YEARS.

01:09PM 25 THE COURT: I THINK ROB FAVELA USED TO BE THE HEAD

01:09PM 1 OF THAT. DO YOU KNOW ROB FAVELA?

01:09PM 2 PROSPECTIVE JUROR: SOMEONE WAS RETIRING AND THEN  
01:09PM 3 SHE WAS ACTING, AND I THINK SHE BECAME PERMANENT.

01:09PM 4 THE COURT: I SEE. OKAY. AND DO YOU DISCUSS HER  
01:09PM 5 WORK WITH HER?

01:09PM 6 PROSPECTIVE JUROR: WHEN WE MEET SOMETIMES, WHATEVER  
01:10PM 7 IS IN THE NEWS.

01:10PM 8 THE COURT: I SEE. ABOUT THE VTA?

01:10PM 9 PROSPECTIVE JUROR: RIGHT.

01:10PM 10 THE COURT: OKAY. IS THERE ANYTHING ABOUT THAT  
01:10PM 11 RELATIONSHIP, FRIENDSHIP, AND YOUR DISCUSSION WITH HER OF HER  
01:10PM 12 WORK THAT YOU THINK WOULD AFFECT YOUR ABILITY TO BE FAIR TO  
01:10PM 13 BOTH SIDES HERE?

01:10PM 14 PROSPECTIVE JUROR: NO.

01:10PM 15 THE COURT: OKAY. ALL RIGHT. THANK YOU. THANK YOU  
01:10PM 16 FOR THAT.

01:10PM 17 ANYONE ELSE? BEHIND YOU, PLEASE.

01:10PM 18 PROSPECTIVE JUROR: 143.

01:10PM 19 MY SISTER-IN-LAW IS, OR WAS, A PROSECUTOR IN MURRAY CITY,  
01:10PM 20 UTAH. BUT SHE NO LONGER DOES THAT AND NOW WORKS AT THE  
01:10PM 21 DEPARTMENT OF HEALTH.

01:10PM 22 THE COURT: OKAY. DID YOU TALK WITH HER ABOUT HER  
01:10PM 23 WORK AS A PROSECUTOR?

01:10PM 24 PROSPECTIVE JUROR: NO, WE NEVER TALKED ABOUT THAT.

01:10PM 25 THE COURT: OKAY. DID SHE PROSECUTE CRIMINAL CASES,

01:10PM 1 DO YOU KNOW?

01:10PM 2 PROSPECTIVE JUROR: YES.

01:10PM 3 THE COURT: IT WAS CRIMINAL CASES?

01:10PM 4 PROSPECTIVE JUROR: YES.

01:10PM 5 THE COURT: OKAY.

01:10PM 6 PROSPECTIVE JUROR: YES, SHE PROSECUTED FOR THE

01:10PM 7 CITY.

01:10PM 8 THE COURT: I SEE. THANK YOU.

01:10PM 9 ANYTHING ABOUT THAT RELATIONSHIP THAT YOU THINK WILL

01:10PM 10 IMPAIR YOUR ABILITY TO BE FAIR TO BOTH SIDES HERE?

01:10PM 11 PROSPECTIVE JUROR: NOT AT ALL.

01:10PM 12 THE COURT: OKAY. THANK YOU.

01:10PM 13 PROSPECTIVE JUROR: YOU'RE WELCOME.

01:11PM 14 THE COURT: ANYONE ELSE?

01:11PM 15 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN INVOLVED WITH OR

01:11PM 16 APPEARED AS A DEFENDANT, VICTIM, OR WITNESS IN ANY

01:11PM 17 INVESTIGATION BY A GOVERNMENT AGENCY, WHICH WOULD INCLUDE

01:11PM 18 POLICE DEPARTMENT, SHERIFF'S OFFICES, FEDERAL AGENCIES?

01:11PM 19 AND WE CAN SPEAK PRIVATELY ABOUT THIS IF YOU WISH.

01:11PM 20 ANYONE HAVE THOSE EXPERIENCES?

01:11PM 21 YES. THIS IS 117, I THINK. YES.

01:11PM 22 PROSPECTIVE JUROR: YEAH, 117.

01:11PM 23 THE COURT: YES.

01:11PM 24 PROSPECTIVE JUROR: MY YOUNGER SISTER WAS CHARGED

01:11PM 25 SEVERAL YEARS AGO IN COLORADO WITH A DUI AND VEHICULAR ASSAULT,

01:11PM 1 AND SHE PLED GUILTY AND SERVED ABOUT 90 DAYS IN JAIL.

01:12PM 2 THE COURT: OKAY. HOW LONG AGO WAS THAT, SIR? I'M

01:12PM 3 SORRY.

01:12PM 4 PROSPECTIVE JUROR: ABOUT FIVE YEARS AGO.

01:12PM 5 THE COURT: OKAY. WERE YOU INVOLVED IN THE CASE AT

01:12PM 6 ALL? DID YOU GO TO COURT AND TESTIFY?

01:12PM 7 PROSPECTIVE JUROR: NO.

01:12PM 8 THE COURT: OKAY. IS THERE ANYTHING ABOUT THAT,

01:12PM 9 YOUR SISTER'S SITUATION, THAT YOU THINK AFFECTS YOUR ABILITY TO

01:12PM 10 BE FAIR AND IMPARTIAL TO BOTH SIDES HERE?

01:12PM 11 PROSPECTIVE JUROR: NO.

01:12PM 12 THE COURT: DO YOU FEEL THAT YOUR SISTER WAS

01:12PM 13 HANDLED -- HER CASE WAS HANDLED FAIRLY BY THE CRIMINAL JUSTICE

01:12PM 14 SYSTEM?

01:12PM 15 PROSPECTIVE JUROR: YES.

01:12PM 16 THE COURT: OKAY. DO YOU HAVE ANY GRUDGE ABOUT

01:12PM 17 PROSECUTORS BECAUSE OF THAT SITUATION?

01:12PM 18 PROSPECTIVE JUROR: I HAVE SOME PERSONAL FEELINGS

01:12PM 19 ABOUT HOW NOT NECESSARILY THE PROSECUTION, BUT THE CIVIL SIDE

01:12PM 20 OF IT WAS HANDLED.

01:12PM 21 THE COURT: I SEE. THERE WAS A CIVIL ACTION

01:12PM 22 INVOLVED AS WELL?

01:12PM 23 PROSPECTIVE JUROR: YES.

01:12PM 24 THE COURT: I SEE. AND THAT WAS OUTSIDE

01:12PM 25 OBVIOUSLY -- WELL, MAYBE NOT SO OBVIOUS -- BUT THAT WAS OUTSIDE

01:13PM 1 OF THE CRIMINAL PROSECUTION?

01:13PM 2 PROSPECTIVE JUROR: CORRECT. THAT WAS SECONDARY.

01:13PM 3 THE COURT: OKAY. THANK YOU.

01:13PM 4 AND SO THE ISSUES THAT YOU HAVE RELATE TO THAT CIVIL

01:13PM 5 PROCESS, NOT THE CRIMINAL PROSECUTION?

01:13PM 6 PROSPECTIVE JUROR: YES.

01:13PM 7 THE COURT: THIS -- IF YOU'RE SEATED AS A JUROR IN

01:13PM 8 THIS CASE, YOU'RE NOT GOING TO HAVE THE MINDSET, WELL, NOW I

01:13PM 9 CAN GET EVEN WITH THE PROSECUTORS?

01:13PM 10 PROSPECTIVE JUROR: UH-HUH, NOT AT ALL.

01:13PM 11 THE COURT: OKAY. CAN YOU BE FAIR TO BOTH SIDES

01:13PM 12 HERE, THE DEFENSE --

01:13PM 13 PROSPECTIVE JUROR: YES.

01:13PM 14 THE COURT: -- AND THE PROSECUTION?

01:13PM 15 PROSPECTIVE JUROR: YES.

01:13PM 16 THE COURT: THANK YOU. ANYTHING ELSE YOU WANT US TO

01:13PM 17 KNOW ABOUT THAT?

01:13PM 18 PROSPECTIVE JUROR: NO. THANK YOU.

01:13PM 19 THE COURT: YOU'RE WELCOME.

01:13PM 20 ANYONE ELSE?

01:13PM 21 YES?

01:13PM 22 PROSPECTIVE JUROR: JUROR 115.

01:13PM 23 I JUST WANT TO REFERENCE MY EARLIER RESPONSE. THAT CASE

01:13PM 24 NEVER WENT TO TRIAL AS THE DEFENDANT PLED NO CONTEST, BUT AS I

01:13PM 25 MENTIONED EARLIER, I WAS INTERVIEWED BY THE INVESTIGATORS.



01:13PM 1 THE COURT: RIGHT. I WOULD BE VERY SURPRISED IF  
01:14PM 2 YOUR ANSWER TO MY PREVIOUS QUESTION HAD CHANGED FROM NOW.  
01:14PM 3 IS YOUR ANSWER THE SAME, IN OTHER WORDS, THAT WOULD --  
01:14PM 4 PROSPECTIVE JUROR: IT WOULD HAVE NO BEARING ON THIS  
01:14PM 5 CASE.  
01:14PM 6 THE COURT: ALL RIGHT. GREAT. THANK YOU SO MUCH.  
01:14PM 7 THANKS, SIR.  
01:14PM 8 ANYONE ELSE? OH, IN THE BACK. YES.  
01:14PM 9 YOU'RE RUNNING AROUND, AREN'T YOU?  
01:14PM 10 THE CLERK: YES. IT'S GOOD EXERCISE.  
01:14PM 11 THE COURT: GETTING THOSE STEPS IN.  
01:14PM 12 YES, SIR?  
01:14PM 13 PROSPECTIVE JUROR: I WAS ACCUSED OF UNFAIR LABOR  
01:14PM 14 FOR MY COMPANY, AND THEY ACCUSED THE OTHER, LIKE THE OTHER  
01:14PM 15 COMPANY WHICH IS NOT IN OPERATION, AND THEY GRANTED THE, THEY  
01:14PM 16 GRANTED THE VERDICT TO THEM.  
01:14PM 17 THE COURT: OKAY.  
01:14PM 18 PROSPECTIVE JUROR: SO -- BUT IT'S NOT THE COMPANY,  
01:14PM 19 BUT THEY LET US PAY FOR THE AMOUNT THAT WE WERE ACCUSED.  
01:15PM 20 THE COURT: I SEE. SO YOU WERE -- FIRST OF ALL, MAY  
01:15PM 21 I KNOW YOUR JUROR NUMBER?  
01:15PM 22 PROSPECTIVE JUROR: 179.  
01:15PM 23 THE COURT: 179.  
01:15PM 24 PROSPECTIVE JUROR: 179. YEAH.  
01:15PM 25 THE COURT: 179. ALL RIGHT. THANK YOU, SIR.

01:15PM 1 AND HOW LONG AGO WAS THIS SITUATION?

01:15PM 2 PROSPECTIVE JUROR: THAT WAS, LIKE, ALMOST TEN YEARS

01:15PM 3 AGO.

01:15PM 4 THE COURT: TEN YEARS.

01:15PM 5 DID YOU GO TO A COURT OR AN ADMINISTRATIVE HEARING OF ANY

01:15PM 6 KIND?

01:15PM 7 PROSPECTIVE JUROR: NO. WE WENT ALSO -- WE WENT

01:15PM 8 ALSO TO APPEAL IN SUPERIOR COURT.

01:15PM 9 THE COURT: YES.

01:15PM 10 PROSPECTIVE JUROR: AND ALSO TO THE APPELLATE COURT

01:15PM 11 OF CALIFORNIA, BUT WE WERE DENIED.

01:15PM 12 THE COURT: I SEE. YOU WENT TO THE SUPREME COURT?

01:15PM 13 PROSPECTIVE JUROR: WE APPLIED.

01:15PM 14 THE COURT: TO THE APPELLATE COURT?

01:15PM 15 PROSPECTIVE JUROR: BECAUSE IT'S NOT THE RIGHT

01:15PM 16 COMPANY.

01:15PM 17 THE COURT: I SEE.

01:15PM 18 PROSPECTIVE JUROR: YEAH.

01:15PM 19 THE COURT: WELL, DO YOU HAVE -- IS THERE ANYTHING

01:15PM 20 ABOUT THAT EXPERIENCE, SIR, THAT YOU THINK WILL AFFECT YOUR

01:15PM 21 ABILITY TO BE FAIR TO BOTH SIDES IN THIS CASE?

01:15PM 22 PROSPECTIVE JUROR: NO.

01:16PM 23 THE COURT: OKAY. ALL RIGHT. THANK YOU VERY MUCH,

01:16PM 24 SIR. THANK YOU.

01:16PM 25 PROSPECTIVE JUROR: THANK YOU.

01:16PM 1 THE COURT: ANY OTHER RESPONSES TO THIS QUESTION?

01:16PM 2 I SEE NO HANDS.

01:16PM 3 HAVE YOU OR ANYONE CLOSE TO YOU EVER BEEN INVOLVED IN ANY  
01:16PM 4 LITIGATION OR CLAIMS AGAINST THE UNITED STATES GOVERNMENT OR  
01:16PM 5 THE STATE OF CALIFORNIA OR ANY OTHER MUNICIPALITY? ANYONE HAVE  
01:16PM 6 LITIGATION WITH THOSE?

01:16PM 7 YES. OH, BEFORE WE COME DOWN HERE, LET'S --

01:16PM 8 PROSPECTIVE JUROR: JUROR 165.

01:16PM 9 MY FAMILY, ALONG WITH OTHER FAMILIES IN THE NEIGHBORHOOD  
01:16PM 10 WHERE WE LIVE, ARE CURRENTLY IN LITIGATION WITH THE LOCAL WATER  
01:16PM 11 DISTRICT.

01:16PM 12 THE COURT: OKAY. OKAY. IS THAT THE SAN JOSE WATER  
01:17PM 13 DISTRICT OR A DIFFERENT --

01:17PM 14 PROSPECTIVE JUROR: I THINK IT'S SARATOGA.

01:17PM 15 THE COURT: OKAY. THANK YOU.

01:17PM 16 AND ARE YOU ACTIVELY INVOLVED IN THE LITIGATION?

01:17PM 17 PROSPECTIVE JUROR: I KEEP UP, BUT I'M NOT IN  
01:17PM 18 CONTACT WITH THE LAWYERS. THAT'S THROUGH OTHER PEOPLE.

01:17PM 19 THE COURT: I SEE. OKAY. IS THERE ANYTHING ABOUT  
01:17PM 20 THAT LITIGATION THAT WILL IMPAIR YOUR ABILITY TO BE FAIR TO  
01:17PM 21 BOTH SIDES IN THIS CASE?

01:17PM 22 PROSPECTIVE JUROR: NO.

01:17PM 23 THE COURT: OKAY. THANK YOU.

01:17PM 24 OKAY. THIS IS JUROR 113, I BELIEVE.

01:17PM 25 PROSPECTIVE JUROR: YES. SO IN THE NORMAL COURSE OF

01:17PM 1 MY JOB DUTIES I GET INVOLVED IN INVESTIGATIONS IN FRAUD  
01:17PM 2 MATTERS. I'VE BEEN INVOLVED IN A NUMBER OF S.E.C.  
01:17PM 3 INVESTIGATIONS WORKING ON BEHALF OF OUR CLIENTS ON BEHALF OF  
01:17PM 4 OUTSIDE RETAINED COUNSEL. IT'S JUST THE NORMAL COURSE OF MY  
01:17PM 5 DAY-TO-DAY JOB.

01:17PM 6 THE COURT: OKAY. THANK YOU.

01:17PM 7 IS THERE ANYTHING ABOUT YOUR WORK THAT YOU THINK MIGHT  
01:17PM 8 IMPAIR YOUR ABILITY TO BE FAIR? I KNOW I ASKED YOU THIS THIS  
01:17PM 9 MORNING, I THINK.

01:17PM 10 BUT YOU'VE DONE INVESTIGATIONS, YOU KNOW ABOUT S.E.C.  
01:18PM 11 REGULATIONS, YOU KNOW ABOUT REPORTINGS AND THESE TYPES OF  
01:18PM 12 THINGS.

01:18PM 13 IS THERE -- DO YOU HAVE A SENSE THAT -- I DON'T KNOW WHAT  
01:18PM 14 THE EVIDENCE MAY BE IN THIS CASE. THERE MAY BE SOME EVIDENCE  
01:18PM 15 ABOUT REPORTING OF SOME SORT OR REGULATIONS OF SOME SORT. I  
01:18PM 16 JUST DON'T KNOW.

01:18PM 17 BUT WOULD YOU BE ABLE TO PUT ASIDE YOUR PROFESSIONAL  
01:18PM 18 EXPERIENCE AND KNOWLEDGE AND DECIDE THIS CASE JUST ON WHAT YOU  
01:18PM 19 HEARD HERE? IS THAT SOMETHING THAT YOU COULD DO?

01:18PM 20 PROSPECTIVE JUROR: I MEAN, IN THE NORMAL COURSE OF  
01:18PM 21 DOING THE WORK THAT I DO, WE LET THE FACTS SPEAK FOR THEMSELVES  
01:18PM 22 AND WE DON'T RELY TO CONCLUSIONS WITHOUT LOOKING AT THE FACTS.

01:18PM 23 SO EVEN THOUGH I DO FRAUD INVESTIGATIONS EVERY DAY, YOU  
01:18PM 24 KNOW, WE DON'T GO IN WITH A PRECONCEIVED NOTION.

01:18PM 25 THE COURT: OKAY. WELL, WHAT ABOUT IN THIS CASE?

01:18PM 1 DO YOU COME IN WITH A PRECONCEIVED NOTION HERE?

01:18PM 2 PROSPECTIVE JUROR: NO.

01:18PM 3 THE COURT: OKAY. IF YOU'RE SEATED AS A JUROR IN  
01:19PM 4 THIS CASE AND YOU HEAR A WORD AND IT MIGHT TRIGGER YOU TO SAY,  
01:19PM 5 THAT'S SOMETHING INTERESTING, I HAVEN'T SEEN THAT BEFORE, OR I  
01:19PM 6 HAVE SEEN THAT BEFORE AND IT'S GOOD OR BAD, OR WHATEVER YOUR  
01:19PM 7 EXPERIENCE IS, CAN YOU PUT THAT ASIDE AND NOT VIEW THE EVIDENCE  
01:19PM 8 THROUGH THAT LENS?

01:19PM 9 PROSPECTIVE JUROR: I MEAN, I WOULDN'T PUT MY  
01:19PM 10 EXPERIENCE ASIDE RELATIVE TO JUST UNDERSTANDING THE FACTS AND  
01:19PM 11 CIRCUMSTANCES.

01:19PM 12 AND THEN IF I'VE SEEN BEHAVIOR THAT I'VE SEEN SIMILARLY,  
01:19PM 13 THEN THAT WOULD BE HARD TO PUT ASIDE.

01:19PM 14 THE COURT: RIGHT. AND I THINK THAT'S THE CONCERN  
01:19PM 15 THAT THE LAWYERS HAVE, AND I HAVE, TOO, IS THAT IF YOU HEAR  
01:19PM 16 SOMETHING AND YOU SEE SOMETHING AND YOU MIGHT, BASED ON A CASE  
01:19PM 17 OR A SITUATION THAT YOU'VE WORKED ON IN THE PAST, YOU MAY SAY,  
01:19PM 18 OH, WELL, I'VE SEEN THIS BEFORE AND THIS IS HOW IT WORKED OUT,  
01:19PM 19 EVEN THOUGH THAT EVIDENCE HAS NOT BEEN INTRODUCED IN THIS CASE.

01:19PM 20 YOU'VE HEARD ME TALK ABOUT THIS ALL DAY. WOULD YOU BE  
01:19PM 21 ABLE TO PARSE THAT OUT AND JUST MAKE YOUR DECISION BASED ON  
01:19PM 22 WHAT YOU HEAR IN THIS COURTROOM AND NOT, NOT ON SPECIFICALLY  
01:20PM 23 OTHER CASES THAT YOU MAY HAVE BEEN INVOLVED WITH?

01:20PM 24 PROSPECTIVE JUROR: I MEAN, MY EXPERIENCES ARE WHAT  
01:20PM 25 THEY ARE. BUT I JUST TAKE THE FACTS AS THEY'RE PRESENTED AND

01:20PM 1 MAKE THE DECISION BASED ON THE EVIDENCE PRESENTED.

01:20PM 2 THE COURT: OKAY. IN THIS CASE YOU'LL DO THAT?

01:20PM 3 PROSPECTIVE JUROR: CORRECT.

01:20PM 4 THE COURT: ANY DOUBT ABOUT YOUR ABILITY TO PARSE

01:20PM 5 THOSE OUT?

01:20PM 6 PROSPECTIVE JUROR: NO.

01:20PM 7 THE COURT: OKAY. ALL RIGHT. THANK YOU.

01:20PM 8 AS TO ALL OF YOU, IF YOU ARE SELECTED TO SIT ON THIS CASE,

01:20PM 9 WILL YOU BE ABLE TO RENDER A VERDICT SOLELY ON THE EVIDENCE

01:20PM 10 PRESENTED AT THE TRIAL AND IN THE CONTEXT OF THE LAW AS I GIVE

01:20PM 11 IT TO YOU IN MY INSTRUCTIONS, DISREGARDING ANY OTHER IDEAS,

01:20PM 12 NOTIONS, OR BELIEFS ABOUT THE LAW THAT YOU MAY HAVE ENCOUNTERED

01:21PM 13 IN REACHING YOUR VERDICT?

01:21PM 14 IS THERE ANYONE WHO CANNOT DO THIS?

01:21PM 15 I SEE NO HANDS.

01:21PM 16 CAN ANY OF YOU THINK OF ANY OTHER REASON WHY YOU MIGHT NOT

01:21PM 17 BE ABLE TO TRY THIS CASE FAIRLY AND IMPARTIALLY TO BOTH THE

01:21PM 18 GOVERNMENT AND THE DEFENSE, OR WHY YOU SHOULD NOT BE ON THIS

01:21PM 19 JURY?

01:21PM 20 I SEE NO HANDS.

01:21PM 21 MR. SCHENK, DO YOU HAVE QUESTIONS?

01:21PM 22 MR. SCHENK: YES. THANK YOU.

01:21PM 23 YOUR HONOR, MAY I?

01:21PM 24 THE COURT: YES, PLEASE. THANK YOU.

01:21PM 25 MR. SCHENK: GOOD AFTERNOON.

01:21PM 1 YOU HEARD THIS MORNING THAT MY NAME IS JEFF SCHENK. I'M  
01:21PM 2 ONE OF THE PROSECUTORS ON THE CASE.

01:21PM 3 CAN EVERYBODY HEAR ME OKAY?

01:21PM 4 GREAT. THANK YOU.

01:21PM 5 I HAVE A COUPLE OF QUESTIONS THAT I'D LIKE TO ASK JUST OF  
01:21PM 6 THE ENTIRE PANEL, AND IF YOU HAVE A RESPONSE TO IT, PLEASE  
01:22PM 7 RAISE YOUR HAND AND WE'LL HAVE FURTHER DIALOGUE.

01:22PM 8 THE FIRST QUESTION THAT I HAVE IS, SOME PEOPLE VIEW JURY  
01:22PM 9 SERVICE AS AN OPPORTUNITY TO SIT IN JUDGMENT OF ANOTHER HUMAN  
01:22PM 10 BEING, AND MANY PEOPLE HAVE PERSONAL BELIEFS THAT DISCOURAGE  
01:22PM 11 THAT, OR MAYBE IT WOULD PREVENT THEM FROM DOING THAT.

01:22PM 12 AND I'M WONDERING IF ANYBODY HAS A CONCERN IN THAT  
01:22PM 13 RESPECT? DOES ANYBODY THINK THAT WHAT JURY SERVICE ASKS OF  
01:22PM 14 YOU, TO SIT IN JUDGE OF SOMEONE ELSE'S ACTIONS, IS SOMETHING  
01:22PM 15 THAT THEY'RE NOT PERSONALLY COMFORTABLE WITH?

01:22PM 16 DOES ANYONE HAVE A CONCERN OR WANT TO SAY ANYTHING ABOUT  
01:22PM 17 THAT TOPIC?

01:22PM 18 GREAT.

01:22PM 19 THE NEXT TOPIC I WANTED TO TALK WITH YOU IS JUDGE DAVILA  
01:22PM 20 ASKED YOU SOME QUESTIONS ABOUT YOUR VIEW ON LAW ENFORCEMENT  
01:22PM 21 WITNESSES, THAT THERE MAY BE LAW ENFORCEMENT WITNESSES WHO  
01:22PM 22 TESTIFY IN THIS TRIAL. PEOPLE HAVE VIEWS ON INDIVIDUALS WHO  
01:22PM 23 MAKE A CAREER OF LAW ENFORCEMENT, AND WOULD YOU GIVE IT MORE OR  
01:22PM 24 LESS CREDIBILITY.

01:22PM 25 I WANT TO ASK A SIMILAR QUESTION, BUT ABOUT DOCTORS.

01:23PM 1 THERE MAY BE DOCTORS WHO TESTIFY IN THIS TRIAL, AND I WONDER IF  
01:23PM 2 PEOPLE HAVE HAD IN PARTICULAR NEGATIVE EXPERIENCES WITH DOCTORS  
01:23PM 3 OR PEOPLE IN THE MEDICAL PROFESSION SO THAT IF A DOCTOR WAS  
01:23PM 4 TESTIFYING ON THE WITNESS STAND, YOU MIGHT HAVE SOME TROUBLE  
01:23PM 5 BELIEVING WHAT THE DOCTOR SAYS OR BELIEVING THAT THEY'RE A  
01:23PM 6 CREDIBLE WITNESS.

01:23PM 7 ANYBODY HAVE PERSONAL EXPERIENCES WITH DOCTORS? I'M NOT  
01:23PM 8 AS MUCH INTERESTED AS TO WHAT THOSE EXPERIENCES WERE, BUT JUST  
01:23PM 9 WHETHER YOU'VE HAD THOSE EXPERIENCES AND IF IT WOULD GIVE YOU  
01:23PM 10 SOME CONCERN ABOUT FAIRLY EVALUATING THE TESTIMONY OF A DOCTOR.  
01:23PM 11 ANYTHING?

01:23PM 12 I SEE NO HANDS. THANK YOU.

01:23PM 13 NEXT IS I'M WONDERING ABOUT ADDICTION TO SOCIAL MEDIA OR  
01:23PM 14 NEWS. JUDGE DAVILA HAS TOLD YOU THAT THERE'S A CHANCE THERE  
01:23PM 15 WILL BE SOME MEDIA COVERAGE OF THIS TRIAL, THAT THERE MIGHT BE  
01:23PM 16 NEWS STORIES OR ARTICLES WRITTEN, SEGMENTS ON TELEVISION ABOUT  
01:24PM 17 IT.

01:24PM 18 PART OF WHAT YOU'RE GOING TO BE ASKED TO DO IS TO AVOID  
01:24PM 19 ALL OF THE MEDIA, TO NOT CONSUME ANY MEDIA, TO NOT TALK TO  
01:24PM 20 PEOPLE ABOUT THE TRIAL.

01:24PM 21 AND I KNOW THESE DAYS THAT CAN BE DIFFICULT. YOUR PHONE  
01:24PM 22 TELLS YOU STORIES THAT YOU'RE NOT ASKING IT ABOUT, AND YOU WALK  
01:24PM 23 INTO ROOMS AND T.V.'S ARE ON AND THINGS LIKE THAT.

01:24PM 24 I'M WONDERING IF ANYBODY HAS A CONCERN ABOUT YOUR ABILITY  
01:24PM 25 TO ENTER THIS MEDIA BLACKOUT, AT LEAST FOR THIS CASE OR



01:24PM 1 ANYTHING RELATED TO THIS.

01:24PM 2 I SEE ONE HAND. IF I COULD PASS YOU THE MIKE AND IF YOU  
01:24PM 3 WOULDN'T MIND STARTING WITH YOUR JUROR NUMBER.

01:24PM 4 PROSPECTIVE JUROR: JUROR 165.

01:24PM 5 I SPEND A CONSIDERABLE AMOUNT OF MY DAY ON THE COMPUTER.  
01:24PM 6 I WORK REMOTELY, AND WHEN I'M NOT ON THE COMPUTER, THERE'S  
01:24PM 7 ALWAYS A T.V. ON, CNN, THINGS LIKE THAT, AS WELL AS JUST I  
01:24PM 8 SPEND A LOT OF MY FREE TIME WHEN I'M JUST BY MYSELF ON REDDIT,  
01:25PM 9 TWITTER, THINGS OF THAT NATURE.

01:25PM 10 AND MOST OF MY FREE TIME, IF I -- DUE TO THE PANDEMIC I  
01:25PM 11 CAN'T SPEND TOO MUCH TIME WITH MY FRIENDS, EVEN THOUGH IT'S  
01:25PM 12 STARTING TO FREE UP A BIT MORE, AND I FILL A LOT OF MY TIME  
01:25PM 13 WITH SOCIAL MEDIA, THINGS OF THAT NATURE.

01:25PM 14 SO I'M CONCERNED ON THAT FRONT ABOUT WHAT I WOULD FILL MY  
01:25PM 15 TIME WITH, ESPECIALLY BECAUSE I DO GET ADS FOR HULU AND THINGS  
01:25PM 16 OF THAT NATURE WHERE I COULD SEE POTENTIAL THINGS THAT MIGHT  
01:25PM 17 INVOLVE THE CASE.

01:25PM 18 MR. SCHENK: THANK YOU FOR SHARING THAT.

01:25PM 19 DO YOU THINK THAT YOU WOULD BE ABLE TO, FOR INSTANCE, IF  
01:25PM 20 THE T.V. IS ON DURING THE DAY, PUT ON A DIFFERENT CHANNEL, ONE  
01:25PM 21 THAT IS NOT NEWS?

01:25PM 22 OR YOU'VE DESCRIBED SOME WEBSITES THAT YOU VISIT THAT  
01:25PM 23 MIGHT BE LIKELY TO HAVE STORIES ABOUT THIS CASE. DO YOU THINK  
01:25PM 24 THAT YOU COULD VISIT DIFFERENT WEBSITES, OR IS THAT REALLY JUST  
01:25PM 25 NOT SOMETHING THAT YOU WOULD BE ABLE TO COMPLY WITH?

01:25PM 1 PROSPECTIVE JUROR: I THINK I COULD, BUT I WOULD  
01:26PM 2 HAVE NO IDEA WHAT THOSE WOULD BE BECAUSE THERE'S JUST A HANDFUL  
01:26PM 3 OF WEBSITES THAT I ROUTINELY VISIT, SO I WOULDN'T KNOW WHAT I  
01:26PM 4 WOULD SUBSTITUTE THEM WITH IF THAT WAS THE THING.

01:26PM 5 MR. SCHENK: OKAY. THANK YOU VERY MUCH.  
01:26PM 6 ANYBODY ELSE WITH A -- YES.

01:26PM 7 PROSPECTIVE JUROR: JUROR 133.

01:26PM 8 SO ONE OF MY REALLY GOOD FRIENDS IS, LIKE, REALLY BIG ON  
01:26PM 9 THE BIOTECH SPACE. HE DOES LIKE A BUNCH OF RESEARCH IN THAT  
01:26PM 10 SPACE, AND I EXPECT -- I HAVEN'T HEARD HIM TALK ABOUT IT YET,  
01:26PM 11 BUT I SUSPECT THAT THIS MAY BE A TRIAL THAT HE WOULD BE  
01:26PM 12 INTERESTED IN.

01:26PM 13 AND, LIKE, I FEEL LIKE THERE'S NO WAY I COULD SAY, HEY,  
01:26PM 14 DON'T SEND ME INFORMATION ON THIS WITHOUT ME GIVING AWAY  
01:26PM 15 DETAILS ABOUT THE TRIAL, THAT KIND OF STUFF, BECAUSE I KNOW  
01:26PM 16 WE'RE NOT SUPPOSED TO TALK ABOUT IT.

01:26PM 17 SO I FEEL LIKE HE MAY SHARE INFORMATION WITHOUT KNOWING  
01:26PM 18 THAT I'M NOT SUPPOSED TO SEE THAT INFORMATION. SO I THINK THAT  
01:26PM 19 MIGHT BE A LITTLE HARD TO AVOID.

01:26PM 20 MR. SCHENK: WHEN YOU SAY THAT HE WOULD SHARE  
01:27PM 21 INFORMATION WITH YOU, IS IT DIRECTLY TO YOU?

01:27PM 22 PROSPECTIVE JUROR: THROUGH LIKE A GROUP TEXT  
01:27PM 23 MESSAGE, THAT KIND OF THING.

01:27PM 24 MR. SCHENK: SO IF THE JUDGE GAVE YOU PERMISSION TO  
01:27PM 25 SAY THE NAME OF THE CASE, BUT NOTHING ABOUT THE CASE, SO THAT

01:27PM 1 YOU TOLD YOUR FRIEND, YOU CANNOT TELL ME ANYTHING ABOUT THIS --

01:27PM 2 PROSPECTIVE JUROR: YEAH, I THINK THAT WOULD BE

01:27PM 3 OKAY.

01:27PM 4 MR. SCHENK: THAT WOULD WORK?

01:27PM 5 PROSPECTIVE JUROR: YEAH.

01:27PM 6 MR. SCHENK: THANK YOU.

01:27PM 7 ARE THERE ANY OTHER HANDS TO THAT QUESTION?

01:27PM 8 CAN I GRAB THE MIKE?

01:27PM 9 LAST I WANT TO TALK TO PEOPLE ABOUT WHAT IT WILL BE LIKE

01:27PM 10 DURING YOUR SERVICE IN THE COURTROOM AND PHYSICALLY WHERE YOU

01:27PM 11 WOULD SIT.

01:27PM 12 DURING THE TRIAL, JURORS WOULD SIT WHERE THE PROSPECTIVE

01:27PM 13 JURORS ARE SEATED RIGHT NOW WITHIN THE BOX, THEY WOULD SIT

01:27PM 14 WITHIN THE TWO CHAIRS ON EACH SIDE OF THE JURY BOX, AND THEN ON

01:27PM 15 THE FIRST ROW OF THE GALLERY WHERE THE SIX OF YOU ARE SEATED

01:28PM 16 NOW.

01:28PM 17 DURING THE COURSE OF THE TRIAL, MANY OF THE DOCUMENTS THAT

01:28PM 18 ARE INTRODUCED IN EVIDENCE ARE NOT HANDED PHYSICALLY IN PAPER

01:28PM 19 TO JURORS, BUT RATHER DISPLAYED ON THE SCREENS. THERE ARE FIVE

01:28PM 20 SMALL SCREENS AT THE FRONT OF THE JURY BOX, AND THERE'S A

01:28PM 21 SCREEN ON THE WALL TO YOUR LEFT, AND THERE'S ANOTHER SCREEN ON

01:28PM 22 THE OTHER SIDE OF THE COURTROOM.

01:28PM 23 THE TRIAL MAY INCLUDE MANY DOCUMENTS, MANY INSTANCES WHEN

01:28PM 24 YOU'RE ASKED TO LOOK AT THE SCREEN. WITNESSES WILL BE TALKING

01:28PM 25 ABOUT THE EXHIBITS OR THE DOCUMENTS, BUT TO FOLLOW ALONG, YOU

01:28PM 1 JUST NEED TO SEE THE SCREENS AND BE ABLE TO OBSERVE THEM.

01:28PM 2 I'M WONDERING IF ANYONE THINKS THEY MAY HAVE TROUBLE WITH  
01:28PM 3 THAT, SORT OF THE DISTANCES, WHERE THEY WOULD BE ASKED TO SIT  
01:28PM 4 AND WHETHER THEY COULD SEE AND READ THE SCREENS WITHOUT ANY  
01:28PM 5 PROBLEMS?

01:28PM 6 ANYBODY HAVE ANY CONCERNS WITH THAT?

01:28PM 7 NO. I SEE NO HANDS. THANK YOU.

01:28PM 8 NO FURTHER QUESTIONS. THANK YOU.

01:28PM 9 THE COURT: THANK YOU.

01:28PM 10 MR. COOPERSMITH.

01:28PM 11 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

01:29PM 12 GOOD AFTERNOON, EVERYONE. MY NAME IS JEFF COOPERSMITH,  
01:29PM 13 AND I REPRESENT SUNNY BALWANI. HE'S SEATED AT COUNSEL TABLE.

01:29PM 14 I KNOW YOU DIDN'T HAVE A LOT OF CHOICE, BUT THANK YOU FOR  
01:29PM 15 YOUR TIME IN ANY EVENT.

01:29PM 16 I JUST WANT TO GO THROUGH SOME QUESTIONS, SOME FOR THE  
01:29PM 17 WHOLE GROUP, AND SOME FOR PARTICULAR JURORS.

01:29PM 18 WE ONLY HAVE SO MUCH TIME, SO IF I DON'T CALL ON YOU, I  
01:29PM 19 DON'T MEAN ANY OFFENSE. IT'S JUST THE NATURE OF THE  
01:29PM 20 PROCEEDING.

01:29PM 21 AND I WILL, AS JUDGE DAVILA TOLD YOU, BE CALLING YOU BY  
01:29PM 22 YOUR JUROR NUMBER. I KNOW YOU ALL HAVE NAMES, AND I DON'T MEAN  
01:29PM 23 ANY DISRESPECT, BUT THAT'S THE PROTOCOL HERE.

01:29PM 24 I WANT TO EMPHASIZE THIS PROCESS, AS JUDGE DAVILA TOLD  
01:30PM 25 YOU, IS IMPORTANT TO MAKE SURE THERE'S A FAIR TRIAL.

01:30PM 1 AND THERE'S NO WRONG ANSWERS HERE. NO ONE IS JUDGING ANY  
01:30PM 2 ANSWER, I'M CERTAINLY NOT, AND I KNOW NO ONE ELSE IN THE ROOM  
01:30PM 3 IS. IT'S REALLY WHAT YOU THINK AND FEEL.

01:30PM 4 IF THERE'S SOMETHING THAT IS IMPORTANT IN AN ANSWER TO A  
01:30PM 5 QUESTION THAT I ASK AND YOU THINK THAT'S SOMETHING THAT YOU  
01:30PM 6 NEED TO TALK ABOUT IN PRIVATE, OF COURSE PLEASE SAY THAT AND,  
01:30PM 7 WITH THE JUDGE'S PERMISSION, WE MIGHT BE ABLE TO DO THAT.

01:30PM 8 OKAY. THE FIRST QUESTION I HAVE IS THIS CASE, SOME OF YOU  
01:30PM 9 MAY KNOW ALREADY, INVOLVES SOME PRETTY TECHNICAL, DENSE  
01:30PM 10 EVIDENCE. THERE'S SOME VERY SCIENTIFIC RELATED ISSUES  
01:30PM 11 INVOLVING BLOOD TESTING AND THINGS LIKE THAT.

01:30PM 12 AS LAWYERS, I THINK ON BOTH SIDES, I THINK WE'RE GOING TO  
01:30PM 13 DO OUR BEST TO TRY TO MAKE THAT UNDERSTANDABLE AND ACCESSIBLE  
01:30PM 14 TO EVERYONE AND HAVE WITNESSES EXPLAIN TECHNICAL DOCUMENTS AND  
01:30PM 15 CONCEPTS, EVEN IF YOU'RE NOT ORDINARILY FAMILIAR WITH THOSE  
01:31PM 16 THINGS.

01:31PM 17 MY QUESTION FOR THE WHOLE GROUP HERE IS -- AND IF YOU  
01:31PM 18 COULD RAISE YOUR HAND -- DOES ANYONE, KNOWING THAT, THAT THERE  
01:31PM 19 MIGHT BE SOME VERY TECHNICAL INFORMATION, HAVE ANY QUESTION  
01:31PM 20 ABOUT WHETHER YOU COULD FOLLOW THAT, YOU KNOW, FOR ANY REASON,  
01:31PM 21 WHETHER IT'S A LANGUAGE ISSUE OR ANY OTHER REASON? IF THAT'S  
01:31PM 22 GOING TO BE AN ISSUE, JUST RAISE YOUR HAND.

01:31PM 23 AND AGAIN, IF IT'S SOMETHING YOU WANT TO TALK ABOUT IN  
01:31PM 24 PRIVATE, YOU KNOW, WE MIGHT BE ABLE TO DO THAT, TOO.

01:31PM 25 JUROR 165.

01:31PM 1 PROSPECTIVE JUROR: YEAH, I WAS JUST --

01:31PM 2 THE COURT: LET'S GET THE MICROPHONE SO WE CAN ALL  
01:31PM 3 HEAR YOU.

01:31PM 4 PROSPECTIVE JUROR: THIS IS NOT SO MUCH A CONCERN  
01:31PM 5 NECESSARILY ABOUT THE TECHNICALITY, BUT IF WE DON'T UNDERSTAND  
01:31PM 6 IT ON THE FIRST GO AROUND, WILL WE BE ABLE TO ASK THE JUDGE OR  
01:31PM 7 THE WITNESS TO BE ABLE TO RESTATE IT MAYBE IN MORE SIMPLIFIED  
01:31PM 8 TERMS, OR ARE THINGS LIKE THAT NOT APPLICABLE IN THIS  
01:31PM 9 SITUATION? BECAUSE I FEEL LIKE IF I DON'T FULLY UNDERSTAND,  
01:32PM 10 MAYBE I MIGHT MISINTERPRET SOMETHING.

01:32PM 11 SO I'M WONDERING IF THAT'S OF CONCERN AT ALL.

01:32PM 12 MR. COOPERSMITH: YES. THANK YOU FOR YOUR QUESTION.

01:32PM 13 I WOULD DEFER TO JUDGE DAVILA ON THAT ISSUE OF THE JUROR  
01:32PM 14 ASKING QUESTIONS.

01:32PM 15 THE COURT: SURE, SURE.

01:32PM 16 THANK YOU, MR. COOPERSMITH.

01:32PM 17 ONE -- I DO INSTRUCT THE JURY IN MY PRELIMINARY  
01:32PM 18 INSTRUCTIONS, ONCE YOU'RE ALL SEATED, WHOEVER IS SEATED, I DO  
01:32PM 19 GIVE A PRELIMINARY INSTRUCTIONS THAT PREFACE THE INTRODUCTION  
01:32PM 20 OF EVIDENCE.

01:32PM 21 ONE OF THOSE INSTRUCTIONS IS TO TELL YOU I DO NOT PERMIT  
01:32PM 22 QUESTIONS FROM THE JURY.

01:32PM 23 NOW, THE LAWYERS KNOW THIS, AND AS MR. COOPERSMITH  
01:32PM 24 SUGGESTS, THERE MAY BE SOME EVIDENCE THAT IS SCIENTIFIC IN  
01:32PM 25 NATURE. IT HAS TERMS THAT WILL TEST OUR COURT REPORTER AND

01:32PM 1 SPELLING AND THINGS LIKE THAT.

01:32PM 2 BUT I WILL TELL YOU THIS: THE LAWYERS KNOW THIS, THEY'RE  
01:32PM 3 EXPERIENCED LAWYERS, AND THEY KNOW, TO BEST GET THE INFORMATION  
01:33PM 4 IN FRONT OF YOU, THEY WILL MAKE IT UNDERSTANDABLE.

01:33PM 5 THEY KNOW THEIR CASES. IF THERE'S A TERM THAT THEY THINK  
01:33PM 6 IS GOING TO CAUSE DIFFICULTY, THEY'LL GO OVER IT TWO OR THREE  
01:33PM 7 TIMES TO MAKE SURE.

01:33PM 8 AND IT MIGHT BE, IF YOU'RE SEATED AS A JUROR, YOU MIGHT BE  
01:33PM 9 THINKING IN YOUR HEAD, WHY IS HE ASKING THAT FOUR TIMES?

01:33PM 10 WELL, THE REASON IS TO MAKE SURE THAT THERE'S CLARITY  
01:33PM 11 ABOUT THIS PARTICULAR TOPIC, AND THAT'S WHAT THEY DO.

01:33PM 12 I WILL TELL YOU THIS: I CAN -- I THINK I CAN GUARANTEE  
01:33PM 13 YOU, THERE'S NOT GOING TO BE ANY TRIGONOMETRY, GEOMETRY  
01:33PM 14 QUESTIONS. YOU WON'T BE ASKED TO SOLVE CALCULUS OR ANYTHING  
01:33PM 15 LIKE THAT HERE.

01:33PM 16 AM I RIGHT ABOUT THAT, COUNSEL?

01:33PM 17 MR. COOPERSMITH: YES, YOUR HONOR.

01:33PM 18 THE COURT: RIGHT. THERE'S NOT GOING TO BE ANY MATH  
01:33PM 19 QUIZ OR ANYTHING LIKE THAT ON THIS.

01:33PM 20 BUT THE INFORMATION MIGHT BE TECHNICAL IN SOME SENSE.  
01:33PM 21 THESE LAWYERS ARE TRAINED TO MAKE IT ACCESSIBLE TO THE JURORS.

01:34PM 22 THEY'RE NOT HERE TO CONFUSE, CONFOUND, OR OBFUSCATE IN ANY  
01:34PM 23 WAY. THEY'RE HERE TO GET INFORMATION TO YOU. THAT'S WHAT THEY  
01:34PM 24 DO, AND MY SENSE IS THAT THEY'LL DO IT QUITE WELL.

01:34PM 25 I HOPE THAT ASSISTS YOU.

01:34PM 1 PROSPECTIVE JUROR: THANK YOU.

01:34PM 2 PROSPECTIVE JUROR: 131.

01:34PM 3 THANK YOU FOR THIS. I WAS EXPECTING THERE WOULD BE  
01:34PM 4 TECHNICAL QUESTIONS, AND I WAS ACTUALLY CONCERNED ABOUT IT, SO  
01:34PM 5 I WAS WONDERING IF THE PRESENTATION WOULD BE KIND OF DOWN, DOWN  
01:34PM 6 FOR US TO UNDERSTAND, SO THIS WAS GREAT TO HEAR.

01:34PM 7 ANOTHER QUESTION I HAD WAS IF THERE WAS A TECHNICAL  
01:34PM 8 QUESTION, DO WE GET KIND OF SUPPORTING MATERIALS THAT WE CAN DO  
01:34PM 9 A LITTLE RESEARCH ABOUT THAT? OR CAN WE DO IT ON OUR OWN JUST  
01:34PM 10 TO UNDERSTAND THE FACTS BETTER?

01:34PM 11 THE COURT: WELL, THANK YOU. MR. COOPERSMITH IS  
01:34PM 12 GOING TO ALLOW ME TO ANSWER THAT QUESTION AS WELL.

01:35PM 13 MR. COOPERSMITH: I WILL, YOUR HONOR, OF COURSE.

01:35PM 14 THE COURT: THANK YOU.

01:35PM 15 AND THIS IS WONDERFUL THAT YOU'RE ASKING THESE QUESTIONS  
01:35PM 16 BECAUSE THEY'RE VERY IMPORTANT QUESTIONS. AND, AGAIN, I HAVE A  
01:35PM 17 PRELIMINARY INSTRUCTION THAT SPEAKS TO THIS AS WELL.

01:35PM 18 AND THE ANSWER TO YOUR ENTHUSIASM AND YOUR CURIOSITY TO DO  
01:35PM 19 RESEARCH, I REGRET I HAVE TO TELL YOU, IS, NO, YOU CAN'T.  
01:35PM 20 YOU'RE NOT ABLE TO DO THAT. YOU'RE NOT ABLE TO DO ANY  
01:35PM 21 ADDITIONAL RESEARCH. YOU'RE NOT ABLE TO BRING A DICTIONARY  
01:35PM 22 WITH YOU TO LOOK UP TERMS. THAT'S SOMETHING THAT YOU CANNOT  
01:35PM 23 DO.

01:35PM 24 THAT'S BECAUSE, AS I KEEP SAYING, TO MAKE YOUR DECISION,  
01:35PM 25 YOU MUST ONLY, ONLY USE THE INFORMATION THAT YOU RECEIVE IN



01:35PM 1 THIS COURTROOM FROM THIS WITNESS STAND AND FROM THE EXHIBITS  
01:35PM 2 THAT ARE RECEIVED AND FROM THE ARGUMENTS AND COMMENTS OF  
01:35PM 3 COUNSEL. YOU CAN'T DO THAT, THAT RESEARCH.

01:35PM 4 NOW, LET ME -- IN THE SPIRIT OF FULL DISCLOSURE, I WILL  
01:35PM 5 TELL YOU THIS, THAT WHEN A JURY IS DELIBERATING, THE JURY HAS  
01:36PM 6 THE OPPORTUNITY THEN, THEN AFTER CONSULTING AMONGST YOURSELVES  
01:36PM 7 AS JURORS, IF YOU HAVE A QUESTION ABOUT SOMETHING, WHILE THE  
01:36PM 8 JURY IS DELIBERATING, THEY MAY SEND A QUESTION OUT AND THE  
01:36PM 9 COURT WILL MEET WITH COUNSEL AND TALK ABOUT THE QUESTION AND  
01:36PM 10 TRY TO ANSWER IT AS BEST WE CAN.

01:36PM 11 BUT THAT'S THE ONLY TIME WHERE QUESTIONS WOULD BE, WOULD  
01:36PM 12 BE ANSWERED OR I WOULD -- THERE'S A SPECIFIC INSTRUCTION THAT  
01:36PM 13 TELLS YOU THAT YOU MAY NOT, YOU MAY NOT DO ANY INDEPENDENT  
01:36PM 14 INVESTIGATION, READING, VISIT ANY SITES THAT ARE DISCUSSED,  
01:36PM 15 THAT IS, LOCATIONS THAT ARE DISCUSSED IN THE TRIAL. YOU'RE  
01:36PM 16 GOING TO HAVE TO AVOID THOSE LOCATIONS. YOU'RE NOT GOING TO BE  
01:36PM 17 ABLE TO DO ANY RESEARCH.

01:36PM 18 BUT I APPRECIATE YOUR CURIOSITY AND YOUR ENTHUSIASM FOR  
01:36PM 19 DOING SO.

01:36PM 20 BUT THESE LAWYERS ARE GOING TO GIVE YOU ALL OF THE  
01:37PM 21 INFORMATION THAT YOU NEED TO MAKE AN EDUCATED AND A FULSOME  
01:37PM 22 DECISION ABOUT THE EVIDENCE IN THIS CASE. I KNOW THAT THEY  
01:37PM 23 WILL DO THAT.

01:37PM 24 SO, MR. COOPERSMITH, THANK YOU.

01:37PM 25 MR. COOPERSMITH: YES, THANK YOU, YOUR HONOR.

01:37PM 1 JUROR NUMBER 131, IS THAT YOUR NUMBER?

01:37PM 2 PROSPECTIVE JUROR: YES.

01:37PM 3 MR. COOPERSMITH: YOU CAN KEEP THE MIKE.

01:37PM 4 IS THERE ANYTHING ABOUT YOUR PERSONAL EXPERIENCE OR  
01:37PM 5 ANYTHING ELSE ABOUT YOU THAT MAKES YOU QUESTION IN ANY WAY YOUR  
01:37PM 6 ABILITY TO UNDERSTAND DETAILED EVIDENCE?

01:37PM 7 AGAIN, AS THE JUDGE SAID, AND I THINK I SAID, WE'RE GOING  
01:37PM 8 TO TRY TO MAKE IT EASY AND ACCESSIBLE. WE'RE NOT GOING TO TRY  
01:37PM 9 TO DUMB IT DOWN, I WOULDN'T SAY THAT, BUT I WANTED TO KNOW IF  
01:37PM 10 THERE WAS ANYTHING PARTICULAR YOU HAD.

01:37PM 11 PROSPECTIVE JUROR: NO. MY SISTER-IN-LAW IS A  
01:37PM 12 DOCTOR AND I UNDERSTAND THE FACTS, BUT IT'S NOT MY EXPERTISE,  
01:37PM 13 RIGHT.

01:37PM 14 SO THE MEDICAL FIELD IS NOT MY EXPERTISE, SO I WAS JUST  
01:37PM 15 CONCERNED ABOUT HOW TO, SINCE I DON'T HAVE THE EXPERTISE, HOW I  
01:38PM 16 COULD UNDERSTAND THE FACTS BASED ON MY KNOWLEDGE. THAT'S ALL.

01:38PM 17 MR. COOPERSMITH: OKAY. THANK YOU. I UNDERSTAND.

01:38PM 18 AND JURORS IN ALL KINDS OF CASES DON'T HAVE ANY PARTICULAR  
01:38PM 19 EXPERTISE COMING TO THE CASE, AND THAT'S NOT REQUIRED. THERE'S  
01:38PM 20 NO TEST, NOTHING LIKE THAT.

01:38PM 21 BUT THANK YOU FOR THE QUESTION.

01:38PM 22 OKAY. WITH JUROR NUMBER 131 WE MENTIONED DOCTORS.

01:38PM 23 I WANT TO ASK YOU THE QUESTION THAT IS OPPOSITE WHAT  
01:38PM 24 MR. SCHENK ASKED YOU, AND I THINK HE ASKED YOU IF THERE WERE  
01:38PM 25 ANY REASON THAT A DOCTOR MIGHT TESTIFY IN THIS CASE, AND THAT

01:38PM 1 MIGHT HAPPEN IN THIS CASE, WHETHER YOU HAD ANY REASON NOT TO  
01:38PM 2 BELIEVE THE DOCTOR OR NOT TO GIVE AS MUCH WEIGHT OR CREDIT TO  
01:38PM 3 THE TESTIMONY.

01:38PM 4 THE QUESTION I WOULD LIKE TO ASK THE GROUP IS, DOES  
01:38PM 5 ANYONE, WHEN IT COMES TO DOCTORS, THINK THEY WOULD GIVE MORE  
01:38PM 6 WEIGHT TO THE DOCTOR'S TESTIMONY THAN OTHER WITNESSES WHO MIGHT  
01:38PM 7 TESTIFY?

01:38PM 8 AND IF YOU COULD RAISE YOUR HAND, I'LL HAND YOU THE  
01:38PM 9 MICROPHONE.

01:38PM 10 YES, SIR. JUROR NUMBER 181?

01:39PM 11 PROSPECTIVE JUROR: CORRECT, YEAH, JUROR NUMBER 181.

01:39PM 12 SAME WITH THE LAW ENFORCEMENT OFFICERS. DOCTORS ARE  
01:39PM 13 TRAINED AND THEY KNOW WHAT THEY'RE TALKING ABOUT, AND I THINK  
01:39PM 14 THEY CAN UNDERSTAND BETTER THAN A LAYPERSON COULD.

01:39PM 15 SO IF THEY WERE TO TESTIFY ABOUT A MEDICAL ISSUE OR A  
01:39PM 16 SCIENTIFIC OR A DOCTOR ISSUE, THEY WOULD HAVE MORE CREDIBILITY  
01:39PM 17 THAN A NORMAL PERSON FOR ME.

01:39PM 18 MR. COOPERSMITH: OKAY. AND JUROR NUMBER 181, DO  
01:39PM 19 YOU THINK IT'S POSSIBLE THAT A DOCTOR COULD GET SOMETHING  
01:39PM 20 WRONG?

01:39PM 21 PROSPECTIVE JUROR: OH, YEAH, I DO. I DO.

01:39PM 22 MR. COOPERSMITH: DO YOU THINK IT'S POSSIBLE THAT A  
01:39PM 23 DOCTOR COULD HAVE SOME OTHER AGENDA BESIDES COMING IN AND  
01:39PM 24 TELLING, YOU KNOW, WHAT IS REALLY THE TRUTH?

01:39PM 25 PROSPECTIVE JUROR: YES, I BELIEVE THAT.

01:39PM 1 MR. COOPERSMITH: JUST LIKE ANY OTHER HUMAN BEING?

01:39PM 2 PROSPECTIVE JUROR: YES.

01:39PM 3 MR. COOPERSMITH: ANYTHING MORE YOU WANT TO ADD  
01:39PM 4 ABOUT THAT?

01:39PM 5 PROSPECTIVE JUROR: NO.

01:39PM 6 MR. COOPERSMITH: THANK YOU, SIR.

01:39PM 7 ANY OTHER QUESTIONS ABOUT DOCTORS?

01:40PM 8 OKAY. I SEE NO HANDS.

01:40PM 9 OKAY. I WANT TO ASK A QUESTION ABOUT SOME PARTICULAR  
01:40PM 10 WITNESSES THAT YOU MAY REMEMBER FROM THE LIST OF WITNESSES THAT  
01:40PM 11 THE JUDGE HAD YOU REVIEW AT THE BEGINNING OF TODAY.

01:40PM 12 THERE'S TWO PARTICULAR WITNESSES I WANT TO ASK YOU ABOUT.  
01:40PM 13 ONE OF THE WITNESSES IS A WOMAN NAMED ERIKA CHEUNG WHO YOU  
01:40PM 14 MIGHT, IF YOU ARE SEATED AS A JUROR, MIGHT SEE TESTIFY.

01:40PM 15 AND MY QUESTION IS, HAS ANYONE SEEN A "TED TALK," OR ANY  
01:40PM 16 OTHER PRESENTATION THAT A PERSON NAMED ERIKA CHEUNG MADE ON THE  
01:40PM 17 SUBJECT OF THERANOS AND HER EXPERIENCES THERE?

01:40PM 18 NUMBER 165.

01:41PM 19 PROSPECTIVE JUROR: JUROR 165.

01:41PM 20 I DO RECALL WATCHING THE "TED TALK," THAT INVOLVED  
01:41PM 21 THERANOS, SO I'M ASSUMING THAT IT WAS ERIKA CHEUNG, BUT I DO  
01:41PM 22 NOT HAVE GREAT RECOLLECTION OF THE DETAILS THAT THEY REALLY  
01:41PM 23 WENT INTO. IT WAS A WHILE BACK, AND MY -- IT'S NOT AT THE  
01:41PM 24 FOREFRONT OF MY MEMORY, BUT I DO RECALL HAVING IN THE BACK OF  
01:41PM 25 MY MIND HEARD A "TED TALK," ABOUT THERANOS. SO I'M ASSUMING

01:41PM 1 THAT IT'S THE ONE THAT YOU MENTIONED.

01:41PM 2 MR. COOPERSMITH: AND ABOUT HOW LONG AGO WAS THAT

01:41PM 3 THAT YOU SAW THAT?

01:41PM 4 PROSPECTIVE JUROR: A WHILE BACK. SEVERAL MONTHS

01:41PM 5 PROBABLY.

01:41PM 6 MR. COOPERSMITH: DID YOU WATCH THE WHOLE --

01:41PM 7 PROSPECTIVE JUROR: NO.

01:41PM 8 MR. COOPERSMITH: -- THING?

01:41PM 9 PROSPECTIVE JUROR: NO, I DIDN'T WATCH THE WHOLE

01:41PM 10 THING.

01:41PM 11 MR. COOPERSMITH: OKAY. BASED ON THAT, WITHOUT

01:41PM 12 TELLING ME WHAT THEY ARE, DID YOU FORM ANY PARTICULAR VIEW OR

01:41PM 13 OPINION ABOUT MS. CHEUNG OR ANYTHING LIKE THAT?

01:41PM 14 PROSPECTIVE JUROR: I CAN'T RECALL WITH GREAT

01:42PM 15 DETAIL, SO NO.

01:42PM 16 MR. COOPERSMITH: OKAY. THANK YOU.

01:42PM 17 OKAY. ANY OTHER HANDS ON THE SUBJECT OF ERIKA CHEUNG?

01:42PM 18 OKAY. SEEING NO HANDS.

01:42PM 19 THE NEXT QUESTION IS THERE'S ANOTHER WITNESS WHO COULD

01:42PM 20 TESTIFY IN THIS CASE, A GENTLEMAN NAMED TYLER SHULTZ.

01:42PM 21 DOES ANYONE HAVE ANY KNOWLEDGE OF MR. SHULTZ, AND MORE

01:42PM 22 SPECIFICALLY, HAS ANYONE SEEN OR HEARD ANYTHING THAT MR. SHULTZ

01:42PM 23 PUBLISHED, SUCH AS A PODCAST OR ANYTHING LIKE THAT?

01:42PM 24 OKAY. JUROR NUMBER 113.

01:42PM 25 PROSPECTIVE JUROR: MY ONLY RECOLLECTION OF

01:42PM 1 TYLER SHULTZ WAS FROM A "NEW YORK TIMES" ARTICLE WHERE IT  
01:42PM 2 TALKED ABOUT HIM AND HIS RELATIONSHIP TO THERANOS AND HIS  
01:42PM 3 RELATIONSHIP TO A BOARD MEMBER AT THERANOS.

01:42PM 4 MR. COOPERSMITH: OKAY. ANYTHING ELSE ABOUT  
01:42PM 5 MR. SHULTZ?

01:42PM 6 PROSPECTIVE JUROR: NOTHING SPECIFIC.

01:43PM 7 MR. COOPERSMITH: WOULD READING THE ARTICLE ABOUT  
01:43PM 8 MR. SHULTZ HAVE AN IMPACT ON YOUR VIEWS IN THIS CASE?

01:43PM 9 PROSPECTIVE JUROR: NO.

01:43PM 10 MR. COOPERSMITH: IS THAT JUROR 181?

01:43PM 11 PROSPECTIVE JUROR: YEAH. I READ AN ARTICLE ABOUT  
01:43PM 12 TYLER SHULTZ, I THINK THAT'S GEORGE SHULTZ'S GRANDSON OR  
01:43PM 13 SOMETHING LIKE THAT, AND HE'S ONE OF THE WHISTLEBLOWERS, I  
01:43PM 14 GUESS.

01:43PM 15 I GUESS THE GIST OF THE ARTICLE WAS THAT --

01:43PM 16 THE COURT: SIR, YOU DON'T HAVE TO TELL US WHAT THE  
01:43PM 17 ARTICLE WAS. THIS IS JUST ASKING WHETHER YOU'VE BEEN EXPOSED  
01:43PM 18 TO IT. MR. COOPERSMITH IS GOING TO --

01:43PM 19 PROSPECTIVE JUROR: YES, I HAVE BEEN EXPOSED TO IT.

01:43PM 20 MR. COOPERSMITH: SIR, YOU MENTIONED THE TERM  
01:43PM 21 "WHISTLEBLOWER."

01:43PM 22 DO YOU THINK PEOPLE WHO DESCRIBE THEMSELVES AS  
01:43PM 23 WHISTLEBLOWERS ARE ALWAYS CORRECT ABOUT WHAT THEY'RE CLAIMING?

01:43PM 24 PROSPECTIVE JUROR: I DON'T THINK THEY'RE ALWAYS  
01:43PM 25 CORRECT, NO.

01:43PM 1 MR. COOPERSMITH: SO SOMETIMES EVEN IF SOMEONE  
01:43PM 2 FASHIONED THEMSELVES AS A WHISTLEBLOWER, THEY MIGHT GET  
01:43PM 3 SOMETHING WRONG; IS THAT FAIR?

01:43PM 4 PROSPECTIVE JUROR: IT'S POSSIBLE, YES.

01:43PM 5 MR. COOPERSMITH: ANYTHING ELSE ABOUT THAT?

01:43PM 6 PROSPECTIVE JUROR: NO.

01:44PM 7 MR. COOPERSMITH: OKAY. THANK YOU, SIR.

01:44PM 8 ANY OTHER HANDS WITH REGARD TO MR. SHULTZ, TYLER SHULTZ?

01:44PM 9 I SEE NO HANDS.

01:44PM 10 THE COURT: JUROR NUMBER 181, I'M SORRY, YOU SAID  
01:44PM 11 YOU READ THIS. I DON'T THINK YOU WERE ASKED WHETHER OR NOT  
01:44PM 12 WHAT YOU READ WILL AFFECT YOUR ABILITY TO BE FAIR TO BOTH SIDES  
01:44PM 13 IN THIS CASE.

01:44PM 14 PROSPECTIVE JUROR: I THINK IT'S --

01:44PM 15 THE COURT: WHY DON'T YOU GET THE MICROPHONE?

01:44PM 16 MR. COOPERSMITH, THANK YOU.

01:44PM 17 MR. COOPERSMITH: I'LL HAND THIS BACK.

01:44PM 18 PROSPECTIVE JUROR: I DON'T THINK IT WILL AFFECT ME.  
01:44PM 19 IT'S ALL GOING TO COME DOWN TO THE EVIDENCE, AND THAT'S WHAT IT  
01:44PM 20 IS ABOUT, YEAH.

01:44PM 21 THE COURT: OKAY. THANK YOU.

01:44PM 22 THANK YOU, MR. COOPERSMITH.

01:45PM 23 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

01:45PM 24 NEXT QUESTION FOR THE GROUP IS, WITHOUT TELLING ME WHAT  
01:45PM 25 EXACTLY YOU KNOW ABOUT IT, IS ANYONE AWARE OF A ROMANTIC

01:45PM 1 RELATIONSHIP BETWEEN MR. BALWANI AND MS. HOLMES,  
01:45PM 2 ELIZABETH HOLMES?

01:45PM 3 WHAT I'M GOING TO HAVE YOU DO IS IF YOU COULD JUST CALL  
01:45PM 4 OUT YOUR NUMBER ONE BY ONE AND WE'LL TAKE THAT DOWN.

01:45PM 5 SO IF YOU COULD RAISE YOUR HAND AGAIN. LET'S GO FROM  
01:45PM 6 JUROR 134.

01:45PM 7 PROSPECTIVE JUROR: 134.

01:45PM 8 THE COURT: WHY DON'T YOU HAND THE MICROPHONE -- LET  
01:45PM 9 THEM PASS THE MICROPHONE.

01:45PM 10 MR. COOPERSMITH: THAT'S A GREAT IDEA, YOUR HONOR.

01:45PM 11 THE COURT: THANK YOU.

01:45PM 12 PROSPECTIVE JUROR: 134.

01:45PM 13 MR. COOPERSMITH: IF YOU COULD HAND THE MIKE OVER  
01:45PM 14 AND WE'LL JUST GET EVERY PERSON WHO RAISES THEIR HAND.

01:45PM 15 PROSPECTIVE JUROR: 131.

01:45PM 16 PROSPECTIVE JUROR: 125.

01:45PM 17 PROSPECTIVE JUROR: 143.

01:46PM 18 PROSPECTIVE JUROR: 161.

01:46PM 19 PROSPECTIVE JUROR: 165.

01:46PM 20 PROSPECTIVE JUROR: 162.

01:46PM 21 PROSPECTIVE JUROR: 179.

01:46PM 22 PROSPECTIVE JUROR: 181.

01:46PM 23 PROSPECTIVE JUROR: 108.

01:46PM 24 MR. COOPERSMITH: OKAY. ANYBODY ELSE WHO RAISED  
01:46PM 25 THEIR HAND TO MY QUESTION ABOUT THE RELATIONSHIP BETWEEN



01:46PM 1 MR. BALWANI AND MS. HOLMES?

01:47PM 2 I SEE NO OTHER HANDS.

01:47PM 3 OKAY. UNFORTUNATELY WE'RE GOING TO HAVE TO KEEP ON

01:47PM 4 PASSING THE MIKE AROUND, SO THANK YOU FOR YOUR PATIENCE WITH

01:47PM 5 THAT.

01:47PM 6 I JUST WANTED TO GO THROUGH THAT LIST AND JUST ASK A

01:47PM 7 COUPLE OTHER QUESTIONS ABOUT IT.

01:47PM 8 SO LET'S START WITH JUROR 108. MY QUESTION IS -- IT'S

01:47PM 9 GOING TO BE THE SAME QUESTION OR QUESTIONS FOR EVERYONE.

01:47PM 10 DID YOU LEARN ABOUT THE RELATIONSHIP FROM SOMETHING IN THE

01:47PM 11 NEWS MEDIA?

01:47PM 12 PROSPECTIVE JUROR: CORRECT.

01:47PM 13 MR. COOPERSMITH: AND HOW RECENTLY WAS THAT THAT YOU

01:47PM 14 LEARNED THAT OR READ THAT?

01:47PM 15 PROSPECTIVE JUROR: ABOUT MAYBE A MONTH OR TWO AGO.

01:47PM 16 MR. COOPERSMITH: OKAY. THANK YOU.

01:47PM 17 THE NEXT ONE IS JUROR 125.

01:48PM 18 PROSPECTIVE JUROR: THE RADIO.

01:48PM 19 MR. COOPERSMITH: I'M SORRY?

01:48PM 20 PROSPECTIVE JUROR: THE RADIO.

01:48PM 21 THE COURT: I THINK THE MICROPHONE IS OFF.

01:48PM 22 PROSPECTIVE JUROR: THE RADIO.

01:48PM 23 MR. COOPERSMITH: OKAY. THANK YOU.

01:48PM 24 AND ABOUT HOW LONG AGO WAS THAT?

01:48PM 25 PROSPECTIVE JUROR: PROBABLY LAST MONTH.

01:48PM 1 MR. COOPERSMITH: LAST MONTH? OKAY. THANK YOU.

01:48PM 2 JUROR NUMBER 131.

01:48PM 3 PROSPECTIVE JUROR: IT WAS ON INTERNET NEWS, AND IT

01:48PM 4 WAS PROBABLY A COUPLE MONTHS AGO.

01:48PM 5 MR. COOPERSMITH: ABOUT TWO MONTHS AGO?

01:48PM 6 PROSPECTIVE JUROR: YEAH. MAYBE EVEN BEFORE THAT

01:48PM 7 BUT, YEAH, I DON'T RECALL.

01:48PM 8 MR. COOPERSMITH: WOULD IT HAVE BEEN LONGER THAN,

01:48PM 9 SAY, SIX MONTHS AGO?

01:48PM 10 PROSPECTIVE JUROR: NO. PROBABLY JUST -- YEAH, I

01:48PM 11 DON'T REMEMBER. I THINK IT WAS LONGER THAN THAT.

01:48PM 12 MR. COOPERSMITH: LONGER THAN SIX MONTHS?

01:48PM 13 PROSPECTIVE JUROR: YES.

01:48PM 14 MR. COOPERSMITH: OKAY.

01:48PM 15 PROSPECTIVE JUROR: I THINK IT WAS, LIKE, A FEW

01:48PM 16 YEARS AGO WHEN IT JUST CAME UP.

01:49PM 17 MR. COOPERSMITH: OKAY. THANK YOU.

01:49PM 18 ANYTHING MORE RECENT THAN THAT, NUMBER 131?

01:49PM 19 PROSPECTIVE JUROR: NO.

01:49PM 20 MR. COOPERSMITH: OKAY. THANK YOU.

01:49PM 21 JUROR 134?

01:49PM 22 PROSPECTIVE JUROR: YEAH, I HEARD ABOUT IT ON SOCIAL

01:49PM 23 MEDIA.

01:49PM 24 MR. COOPERSMITH: OKAY.

01:49PM 25 PROSPECTIVE JUROR: IT WAS A COUPLE MONTHS AGO.

01:49PM 1 MR. COOPERSMITH: OKAY. ABOUT TWO MONTHS AGO?

01:49PM 2 PROSPECTIVE JUROR: SOMETHING LIKE THAT.

01:49PM 3 MR. COOPERSMITH: APPROXIMATELY.

01:49PM 4 PROSPECTIVE JUROR: YES.

01:49PM 5 MR. COOPERSMITH: OKAY. JUROR NUMBER 143.

01:49PM 6 PROSPECTIVE JUROR: IT WAS PART OF THAT HBO

01:49PM 7 DOCUMENTARY THAT I MENTIONED WATCHING ABOUT TWO YEARS AGO.

01:49PM 8 MR. COOPERSMITH: OKAY. SO WHEN YOU HEARD ABOUT

01:49PM 9 THIS WAS TWO YEARS AGO?

01:49PM 10 PROSPECTIVE JUROR: YEAH.

01:49PM 11 MR. COOPERSMITH: AND NOTHING MORE RECENT THAN THAT?

01:49PM 12 PROSPECTIVE JUROR: NO.

01:49PM 13 MR. COOPERSMITH: AND IT WAS FROM THAT DOCUMENTARY

01:49PM 14 THAT YOU WATCHED?

01:49PM 15 PROSPECTIVE JUROR: CORRECT.

01:49PM 16 MR. COOPERSMITH: THANK YOU, SIR.

01:49PM 17 NEXT IS JUROR 161.

01:49PM 18 PROSPECTIVE JUROR: THAT'S OKAY. ON THE NEWS

01:49PM 19 CHANNEL AND A COUPLE OF MONTHS BACK, YEAH, JUST A COUPLE OF

01:50PM 20 MONTHS BACK. NOT MORE THAN SIX MONTHS.

01:50PM 21 MR. COOPERSMITH: OKAY. NOT MORE THAN SIX MONTHS

01:50PM 22 AGO, AND YOU THINK IT MIGHT HAVE BEEN CLOSER TO TWO MONTHS?

01:50PM 23 PROSPECTIVE JUROR: IT COULD BE.

01:50PM 24 MR. COOPERSMITH: OKAY. AND JUST FROM NEWS RADIO

01:50PM 25 OR --

01:50PM 1 PROSPECTIVE JUROR: NBC.

01:50PM 2 MR. COOPERSMITH: I'M SORRY. NBC?

01:50PM 3 PROSPECTIVE JUROR: YEAH, NBC EVENING NEWS.

01:50PM 4 MR. COOPERSMITH: OKAY. THANK YOU.

01:50PM 5 JUROR 165.

01:50PM 6 PROSPECTIVE JUROR: ABOUT TWO TO THREE MONTHS AGO.

01:50PM 7 MR. COOPERSMITH: OKAY. AND FROM WHAT SOURCE?

01:50PM 8 PROSPECTIVE JUROR: "NEW YORK TIMES."

01:50PM 9 MR. COOPERSMITH: OKAY. THANK YOU.

01:50PM 10 I THINK I SKIPPED 162.

01:50PM 11 PROSPECTIVE JUROR: I READ IT IN "THE MERCURY NEWS."

01:50PM 12 MR. COOPERSMITH: ABOUT HOW LONG AGO, SIR?

01:50PM 13 PROSPECTIVE JUROR: I DON'T HAVE AN EXACTLY

01:50PM 14 RECOLLECTION. LESS THAN A YEAR.

01:50PM 15 MR. COOPERSMITH: LESS THAN A YEAR?

01:50PM 16 PROSPECTIVE JUROR: YEAH, I BELIEVE SO.

01:50PM 17 MR. COOPERSMITH: OKAY. DO YOU THINK IT WAS WELL

01:50PM 18 WITHIN A YEAR, OR CLOSER TO ALL OF THE WAY UP TO A YEAR?

01:50PM 19 PROSPECTIVE JUROR: LESS THAN HALF A YEAR.

01:50PM 20 MR. COOPERSMITH: LESS THAN HALF A YEAR?

01:50PM 21 PROSPECTIVE JUROR: YES.

01:50PM 22 MR. COOPERSMITH: THANK YOU, SIR.

01:50PM 23 PROSPECTIVE JUROR: SURE.

01:51PM 24 MR. COOPERSMITH: AND THEN JUROR 179.

01:51PM 25 PROSPECTIVE JUROR: ON THE NEWS TWO MONTHS AGO.

01:51PM 1 MR. COOPERSMITH: OKAY. AND WHAT PARTICULAR NEWS,  
01:51PM 2 IF YOU CAN REMEMBER?

01:51PM 3 PROSPECTIVE JUROR: I CAN'T REMEMBER.

01:51PM 4 MR. COOPERSMITH: YOU CAN'T REMEMBER.

01:51PM 5 PROSPECTIVE JUROR: I THINK ABC. I THINK.

01:51PM 6 MR. COOPERSMITH: ABC? OKAY. THANK YOU, SIR.

01:51PM 7 JUROR 181.

01:51PM 8 PROSPECTIVE JUROR: YEAH, I'VE SEEN IT MORE THAN A  
01:51PM 9 YEAR AGO, BUT VARIOUS SOURCES. BRIT NEWS, BROADCAST NEWS,  
01:51PM 10 THOSE KIND OF THINGS.

01:51PM 11 MR. COOPERSMITH: OKAY. HOW LONG AGO WAS THAT?

01:51PM 12 PROSPECTIVE JUROR: MORE THAN A YEAR.

01:51PM 13 MR. COOPERSMITH: MORE THAN A YEAR. NOTHING MORE  
01:51PM 14 RECENT THAN THAT?

01:51PM 15 PROSPECTIVE JUROR: NO.

01:51PM 16 MR. COOPERSMITH: THANK YOU, SIR.

01:51PM 17 ANYONE ELSE I DIDN'T GET TO WHO RAISED THEIR HAND IN  
01:51PM 18 RESPONSE TO THE QUESTION ABOUT THE RELATIONSHIP?

01:51PM 19 OKAY. I SEE NO OTHER HANDS. THANK YOU.

01:51PM 20 THERE WAS A QUESTION THAT JUDGE DAVILA ASKED NEAR THE  
01:51PM 21 BEGINNING OF THE SESSION TODAY. THAT WAS WHETHER ANYONE KNEW  
01:52PM 22 ANY OF THE LAWYERS IN THE CASE OR THE TEAMS THAT WERE  
01:52PM 23 REPRESENTING THE GOVERNMENT AND MR. BALWANI.

01:52PM 24 AND I JUST WANT TO MAKE SURE THERE'S NO OTHER JUROR WHO  
01:52PM 25 WANTED TO RESPOND TO THAT, BECAUSE I THINK ONE OF OUR TEAM

01:52PM 1 MEMBERS SAW AN ADDITIONAL HAND, BUT WASN'T SURE IF THE PERSON  
01:52PM 2 WAS RAISING A HAND, AND SO I JUST WANTED TO GIVE AN OPPORTUNITY  
01:52PM 3 TO EVERYONE IF THEY HAD ANY KNOWLEDGE OF THE LAWYERS IN THE  
01:52PM 4 CASE.

01:52PM 5 OKAY. THANK YOU.

01:52PM 6 I'M GOING TO TURN TO ASKING SPECIFIC QUESTIONS OF CERTAIN  
01:52PM 7 PEOPLE IN THE ROOM. AGAIN, IF I DON'T GET TO YOU, I DON'T MEAN  
01:52PM 8 ANY OFFENSE, BUT I'M TRYING TO RESPOND TO VARIOUS ANSWERS THAT  
01:52PM 9 WERE GIVEN AND THINGS THAT WERE IN THE QUESTIONNAIRES.

01:53PM 10 MY FIRST QUESTION IS FOR JUROR NUMBER 108. YOU DON'T NEED  
01:53PM 11 TO SAY THIS OUT HERE IN FRONT OF THE GROUP, BUT I NOTICE IN  
01:53PM 12 YOUR QUESTIONNAIRE THERE WAS SOMETHING THAT MIGHT BE A PRIVATE  
01:53PM 13 MATTER THAT YOU WANTED TO DISCUSS, AND I JUST WONDERED IF THERE  
01:53PM 14 WAS ANYTHING THAT YOU THOUGHT WOULD BE IMPORTANT FOR US TO KNOW  
01:53PM 15 THAT YOU WOULD NEED TO DISCUSS IN PRIVATE AND NOT HERE IN THE  
01:53PM 16 PUBLIC SESSION.

01:53PM 17 PROSPECTIVE JUROR: NOT NECESSARILY.

01:53PM 18 MR. COOPERSMITH: OKAY. AND I GUESS WHATEVER THE  
01:53PM 19 MATTER IS WE WON'T TALK ABOUT IT.

01:53PM 20 IS THERE ANY IMPACT THAT IT WOULD HAVE ON YOUR VIEWS OF  
01:53PM 21 THIS CASE AND YOUR ABILITY TO SIT AS A JUROR OR ANYTHING LIKE  
01:53PM 22 THAT?

01:53PM 23 PROSPECTIVE JUROR: NO.

01:53PM 24 MR. COOPERSMITH: OKAY. THANK YOU.

01:54PM 25 (PAUSE IN PROCEEDINGS.)

01:54PM 1 MR. COOPERSMITH: OKAY. JUROR NUMBER 119, THANK  
01:54PM 2 YOU. MY FIRST QUESTION FOR YOU IS THAT I JUST NOTICED IN YOUR  
01:54PM 3 QUESTIONNAIRE THAT YOU SAID, IN RESPONSE TO ONE OF THE  
01:54PM 4 QUESTIONS, THAT YOU WOULD NEED TO SEE SOME EVIDENCE TO  
01:54PM 5 DETERMINE IF SOMEONE SHOULD BE INNOCENT OR GUILTY.

01:54PM 6 AM I GETTING THAT RIGHT?

01:54PM 7 PROSPECTIVE JUROR: YES.

01:55PM 8 MR. COOPERSMITH: OKAY. AND DO YOU THINK THAT IF  
01:55PM 9 YOU WERE A JUROR IN THIS CASE THAT MR. BALWANI WOULD HAVE TO  
01:55PM 10 COME FORWARD WITH EVIDENCE FOR YOU TO ACCEPT THAT HE'S NOT  
01:55PM 11 GUILTY IN THIS CASE?

01:55PM 12 PROSPECTIVE JUROR: I THINK I WOULD NEED TO SEE  
01:55PM 13 EVIDENCE FROM BOTH SIDES.

01:55PM 14 MR. COOPERSMITH: OKAY. AND WHAT IF THE DEFENSE  
01:55PM 15 DECIDED NOT TO PRESENT ANY EVIDENCE? WOULD THAT -- AND THE  
01:55PM 16 GOVERNMENT PRESENTED SOME EVIDENCE. WOULD THAT BE ENOUGH FOR  
01:55PM 17 YOU TO CONVICT, OR WOULD YOU STILL HAVE TO WEIGH WHETHER THE  
01:55PM 18 GOVERNMENT SATISFIED THEIR BURDEN TO PROVE MR. BALWANI'S GUILT  
01:55PM 19 BEYOND A REASONABLE DOUBT?

01:55PM 20 PROSPECTIVE JUROR: I'M NOT SURE.

01:55PM 21 MR. COOPERSMITH: AND COULD YOU EXPLAIN WHY YOU ARE  
01:55PM 22 NOT SURE?

01:55PM 23 PROSPECTIVE JUROR: I WOULD THINK I WOULD NEED TO  
01:55PM 24 SEE EVIDENCE FROM BOTH SIDES TO KNOW WHETHER ANYONE IS GUILTY  
01:55PM 25 OR NOT GUILTY.

01:55PM 1 MR. COOPERSMITH: OKAY. SO IF THE GOVERNMENT  
01:55PM 2 PRESENTED EVIDENCE, FOR EXAMPLE, AND THE DEFENSE PRESENTED NO  
01:55PM 3 EVIDENCE, THAT ALONE MIGHT LEAD YOU TO VOTE FOR GUILTY JUST  
01:55PM 4 BECAUSE OF THAT ALONE; IS THAT CORRECT?

01:55PM 5 PROSPECTIVE JUROR: PERHAPS.

01:55PM 6 MR. COOPERSMITH: I'M SORRY?

01:55PM 7 PROSPECTIVE JUROR: PERHAPS.

01:56PM 8 MR. COOPERSMITH: PERHAPS.

01:56PM 9 WHAT WOULD IT DEPEND ON?

01:56PM 10 PROSPECTIVE JUROR: I GUESS IT WOULD DEPEND ON THE  
01:56PM 11 EVIDENCE THAT IS BEING PRESENTED.

01:56PM 12 MR. COOPERSMITH: OKAY. SO IS THERE A SITUATION  
01:56PM 13 WHERE YOU MIGHT, EVEN IF THE DEFENSE DIDN'T PRESENT ANY  
01:56PM 14 EVIDENCE, YOU MIGHT DECIDE THE GOVERNMENT DIDN'T PRESENT ENOUGH  
01:56PM 15 EVIDENCE TO JUSTIFY A GUILTY VERDICT?

01:56PM 16 PROSPECTIVE JUROR: I'M NOT SURE.

01:56PM 17 MR. COOPERSMITH: OKAY. AND IF THE JUDGE INSTRUCTED  
01:56PM 18 YOU THAT THAT IS, IN FACT, WHAT YOU WOULD BE REQUIRED TO DO AS  
01:56PM 19 A SEATED JUROR, DO YOU THINK YOU COULD FOLLOW THAT INSTRUCTION?

01:56PM 20 PROSPECTIVE JUROR: YES.

01:56PM 21 MR. COOPERSMITH: IF THE INSTRUCTION WAS THE WAY  
01:56PM 22 THAT I JUST DESCRIBED IT?

01:56PM 23 PROSPECTIVE JUROR: CORRECT.

01:56PM 24 THE COURT: OKAY. MAY I FOLLOW UP, MR. COOPERSMITH?

01:56PM 25 MR. COOPERSMITH: YOU MAY.



01:56PM 1 THE COURT: THANK YOU.

01:56PM 2 JUROR 119, I -- WHAT I TAKE FROM YOUR ANSWER IS THAT YOU  
01:56PM 3 WOULD -- THE QUESTION WAS, "WHAT IF THE DEFENSE PUTS NO  
01:56PM 4 EVIDENCE ON, AND WHAT WOULD YOU DO IN THAT SITUATION?"

01:56PM 5 AND WHAT I GATHER FROM YOUR ANSWER, WERE YOU SAYING THAT  
01:56PM 6 YOU WILL THEN WEIGH THE EVIDENCE THAT THE GOVERNMENT PUT ON AND  
01:57PM 7 DECIDE JUST BASED ON THAT WHETHER OR NOT THEY'D MADE THEIR  
01:57PM 8 CASE?

01:57PM 9 PROSPECTIVE JUROR: CORRECT.

01:57PM 10 THE COURT: AND I'M CONCERNED WHETHER YOU WERE  
01:57PM 11 SAYING IF THE DEFENSE DIDN'T PUT ANYTHING ON, THAT WOULD MAKE  
01:57PM 12 YOU VOTE GUILTY BECAUSE THEY DIDN'T PUT ANY EVIDENCE ON AND THE  
01:57PM 13 GOVERNMENT DID.

01:57PM 14 PROSPECTIVE JUROR: I MEAN, NOT NECESSARILY.

01:57PM 15 THE COURT: YOU WOULD STILL WEIGH IN THAT SITUATION,  
01:57PM 16 WHERE, FOR EXAMPLE, IF THE DEFENSE DECIDED NOT TO PUT ANYTHING  
01:57PM 17 ON BECAUSE THEY MAY FEEL THAT WE DON'T FEEL THAT THE GOVERNMENT  
01:57PM 18 PROVED THEIR CASE AND IT'S THEIR BURDEN, AND MAYBE THAT'S WHY A  
01:57PM 19 DEFENSE WOULD NOT PUT EVIDENCE ON.

01:57PM 20 AND I WOULD INSTRUCT YOU, AS MR. COOPERSMITH SAID, I WOULD  
01:57PM 21 INSTRUCT YOU, YOU CAN'T CONVICT UNLESS YOU BELIEVE THE EVIDENCE  
01:57PM 22 BEFORE YOU, AND IN THIS CASE IN THIS HYPOTHETICAL JUST THE  
01:57PM 23 EVIDENCE THAT THE GOVERNMENT PUT ON, UNLESS YOU BELIEVED THAT  
01:57PM 24 THAT CONVINCED YOU BEYOND A REASONABLE DOUBT, YOU COULDN'T  
01:58PM 25 CONVICT.

01:58PM 1 DO YOU UNDERSTAND THAT CONCEPT?

01:58PM 2 PROSPECTIVE JUROR: YES.

01:58PM 3 THE COURT: OKAY. I DON'T THINK YOU'VE HAD JURY  
01:58PM 4 SERVICE BEFORE, AND THIS IS SOMETIMES -- THIS IS A CONCEPT THAT  
01:58PM 5 WE SOMETIMES SPEND TIME DISCUSSING WITH JURORS BECAUSE OF THIS.

01:58PM 6 IT'S THE GOVERNMENT'S BURDEN. IF THEY DON'T MEET THEIR  
01:58PM 7 BURDEN, YOU'LL FOLLOW THE LAW AS I GIVE IT TO YOU? AND I'LL  
01:58PM 8 TELL YOU WHAT THAT LAW IS. YOU HEARD ME DESCRIBE IT. ACTUALLY  
01:58PM 9 I READ YOU AN INSTRUCTION TODAY. I READ YOU THE PRESUMPTION OF  
01:58PM 10 INNOCENCE INSTRUCTION. THAT'S THE INSTRUCTION THAT THE JURORS  
01:58PM 11 WILL GET IN THE FINAL INSTRUCTIONS THAT DESCRIBES THE BURDENS.

01:58PM 12 DO YOU HAVE ANY QUARREL WITH THAT PRESUMPTION AND THOSE  
01:58PM 13 REQUIREMENTS?

01:58PM 14 PROSPECTIVE JUROR: NO.

01:58PM 15 THE COURT: OKAY. DO YOU UNDERSTAND THAT CONCEPT  
01:58PM 16 THEN?

01:58PM 17 PROSPECTIVE JUROR: YES.

01:58PM 18 THE COURT: OKAY. THANK YOU.

01:58PM 19 THANK YOU, MR. COOPERSMITH.

01:58PM 20 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

01:58PM 21 SO AGAIN, JUROR NUMBER 119, JUST TO GET TO A DIFFERENT  
01:58PM 22 SUBJECT, DID YOU WATCH ALL OR PART OF THE MOVIE ABOUT THERANOS  
01:58PM 23 OR ANYTHING RELATED TO THIS CASE?

01:58PM 24 PROSPECTIVE JUROR: YEAH. LIKE I SAID FROM THE  
01:58PM 25 BEGINNING, I RECALL WATCHING IT -- A PORTION OF A MOVIE I WOULD

01:59PM 1 LIKE TO SAY OVER A YEAR AGO.

01:59PM 2 MR. COOPERSMITH: OKAY. AND DO YOU REMEMBER THE

01:59PM 3 NAME OF IT BY ANY CHANCE?

01:59PM 4 PROSPECTIVE JUROR: I DO NOT.

01:59PM 5 MR. COOPERSMITH: AND BASED UPON YOUR WATCHING THE

01:59PM 6 MOVIE, AND IT SOUNDS LIKE IT WAS A YEAR AGO, DID YOU FORM ANY

01:59PM 7 OPINION ABOUT THE CASE OR THE GUILT OR THE INNOCENCE OF

01:59PM 8 MR. BALWANI?

01:59PM 9 PROSPECTIVE JUROR: NO.

01:59PM 10 MR. COOPERSMITH: HOW ABOUT OF MS. HOLMES?

01:59PM 11 PROSPECTIVE JUROR: NO.

01:59PM 12 MR. COOPERSMITH: HAVE YOU EVER EXPRESSED A VIEW TO

01:59PM 13 A FRIEND OR FAMILY MEMBER OR SOMEONE CLOSE TO YOU ABOUT WHAT

01:59PM 14 YOU THOUGHT ABOUT THIS CASE?

01:59PM 15 PROSPECTIVE JUROR: NO.

01:59PM 16 MR. COOPERSMITH: EVER SENT A TEXT OR ANYTHING LIKE

01:59PM 17 THAT?

01:59PM 18 PROSPECTIVE JUROR: NO.

01:59PM 19 MR. COOPERSMITH: OKAY. OKAY. THANK YOU.

01:59PM 20 JUROR NUMBER 124. IS THERE A JUROR NUMBER 124?

01:59PM 21 THE CLERK: NO. WE EXCUSED THEM.

01:59PM 22 MR. COOPERSMITH: OH, THERE IS NO -- THANK YOU.

02:00PM 23 (PAUSE IN PROCEEDINGS.)

02:00PM 24 MR. COOPERSMITH: OKAY. THIS NEXT IS FOR JUROR 125.

02:00PM 25 I JUST NOTICED ON YOUR QUESTIONNAIRE THAT YOU SAID THAT

02:00PM 1 YOU HAD POTENTIALLY AN ISSUE WITH DISRUPTION OF PATIENT CARE AT  
02:00PM 2 YOUR JOB; IS THAT RIGHT?

02:01PM 3 PROSPECTIVE JUROR: THAT'S NOT --

02:01PM 4 MR. COOPERSMITH: NO?

02:01PM 5 PROSPECTIVE JUROR: OH, THAT'S 1 --

02:01PM 6 MR. COOPERSMITH: 126.

02:01PM 7 PROSPECTIVE JUROR: THAT SOUNDS FAMILIAR.

02:01PM 8 MR. COOPERSMITH: OKAY. IS THAT RIGHT? AND DID YOU  
02:01PM 9 HAVE A CONCERN ABOUT THAT?

02:01PM 10 PROSPECTIVE JUROR: I THINK THE QUESTION WAS  
02:01PM 11 ASKING -- I DON'T REMEMBER THE WORDING EXACTLY, BUT IT WAS JUST  
02:01PM 12 ABOUT MY -- IF I KNEW SOMEONE CLOSE TO ME WHO HAD AN EXPERIENCE  
02:01PM 13 IN HEALTH CARE. I THINK THAT'S THE QUESTION.

02:01PM 14 MR. COOPERSMITH: NO.

02:01PM 15 PROSPECTIVE JUROR: MAYBE IT WAS A DIFFERENT ONE.

02:01PM 16 MR. COOPERSMITH: WELL, YEAH. THAT WASN'T CLEAR.  
02:01PM 17 MY FIRST QUESTION IS JUST, DID YOU HAVE A CONCERN THAT --

02:01PM 18 PROSPECTIVE JUROR: OH, YES.

02:01PM 19 MR. COOPERSMITH: RIGHT. THE QUESTION WAS, DO YOU  
02:01PM 20 HAVE ANY CONCERN IF YOU SERVED AS A JUROR THAT IT WOULD AFFECT  
02:01PM 21 PATIENT CARE AT YOUR JOB?

02:01PM 22 PROSPECTIVE JUROR: GOT IT. YES. I'M A HEALTH CARE  
02:01PM 23 PROVIDER, AND HAVING TO BE HERE THREE TIMES A WEEK WHEN I WORK  
02:02PM 24 FIVE DAYS A WEEK TO HAVE CONTINUITY OF CARE FOR MY PATIENTS IS  
02:02PM 25 QUITE DIFFICULT.

02:02PM 1 I JUST DON'T HAVE ANY OTHER TIME IN MY SCHEDULE TO ALLOW  
02:02PM 2 FOR THE VOLUME OF PATIENTS THAT I SEE.

02:02PM 3 SO -- AND ALSO AT THE BEGINNING, YOUR HONOR, YOU HAD SAID  
02:02PM 4 THAT POTENTIALLY THERE MIGHT BE DAYS THAT WE ADD OR WE CHANGE,  
02:02PM 5 AND DEPENDING ON HOW MUCH NOTICE I GET, THAT IS -- IT HAS  
02:02PM 6 ALREADY INTERRUPTED RESCHEDULING PATIENTS, AND ALSO HOW I COME  
02:02PM 7 ACROSS TO MY PATIENTS, AND THAT'S MY PRIMARY RESPONSIBILITY,  
02:02PM 8 RIGHT?

02:02PM 9 SO, YES.

02:02PM 10 MR. COOPERSMITH: AM I RIGHT THAT YOU'RE A DOCTOR OF  
02:02PM 11 CHIROPRACTRY?

02:02PM 12 PROSPECTIVE JUROR: CORRECT.

02:02PM 13 MR. COOPERSMITH: AND IS THERE SOMEONE ELSE WHO  
02:02PM 14 COULD FILL IN?

02:02PM 15 PROSPECTIVE JUROR: I WORK WITH TWO OTHER PROVIDERS.  
02:02PM 16 HOWEVER, THEY HAVE THEIR OWN SCHEDULES AS WELL THAT ARE BUSY.

02:03PM 17 SO AT TIMES, YES. BUT ALSO WE HAVE A WAIT LIST OF ABOUT  
02:03PM 18 TWO WEEKS AT TIMES.

02:03PM 19 SO --

02:03PM 20 MR. COOPERSMITH: I GUESS THAT'S A GOOD THING FOR  
02:03PM 21 YOU, RIGHT?

02:03PM 22 PROSPECTIVE JUROR: YEAH, YEAH.

02:03PM 23 SO IF SOMEONE NEEDED TO COME IN ACUTELY, THAT WOULD BE  
02:03PM 24 VERY DIFFICULT.

02:03PM 25 MR. COOPERSMITH: OKAY. SO IF YOU WERE SERVING AS A

02:03PM 1 JUROR, HOW WOULD YOU HANDLE THAT SITUATION? WHAT WOULD YOU DO  
02:03PM 2 TO COVER THOSE PATIENTS WHO NEEDED CARE?

02:03PM 3 PROSPECTIVE JUROR: RIGHT. SO IF I'M NOT IN OFFICE,  
02:03PM 4 EITHER IF I HAVE ANY TIME IN MY SCHEDULE, THEY GET PUSHED INTO  
02:03PM 5 THOSE SLOTS; OR IF THERE ARE ANY AVAILABILITIES -- AGAIN, IT'S  
02:03PM 6 NOT OFTEN -- BUT AVAILABILITIES ON MY COWORKER'S SCHEDULES,  
02:03PM 7 THEY GO THERE.

02:03PM 8 BUT OTHERWISE THEY HAVE TO GET PUSHED OUT SEVERAL WEEKS.  
02:03PM 9 AND, YOU KNOW, THAT'S DIFFICULT WITH PEOPLE RECOVERING FROM  
02:03PM 10 SPORTS INJURY AND MANAGING PAIN, SO...

02:03PM 11 MR. COOPERSMITH: OKAY. SO I UNDERSTAND.

02:03PM 12 IS THERE ANYTHING ELSE ABOUT YOUR KNOWLEDGE OF THIS CASE  
02:04PM 13 OR BACKGROUND THAT YOU THINK WOULD CAUSE A PROBLEM FOR YOU  
02:04PM 14 BEING A JUROR IN THIS CASE AND BEING FAIR TO MR. BALWANI?

02:04PM 15 PROSPECTIVE JUROR: YEAH. SO MY KNOWLEDGE ABOUT  
02:04PM 16 ANYTHING RELATED TO THE CASE IS FAIRLY LOW.

02:04PM 17 I DO GET THE SENSE THAT IT HAS SOMETHING TO DO WITH HEALTH  
02:04PM 18 CARE, AND AS A PROVIDER, HAVING A MORAL AND ETHICAL OBLIGATION  
02:04PM 19 IS OF THE UTMOST PRIORITY. AND SO IT'S HARD NOT TO BE A LITTLE  
02:04PM 20 BIT MORE SUBJECTIVE RATHER THAN OBJECTIVE IF IT HAS TO DO WITH  
02:04PM 21 A MORAL AND AN ETHICAL OBLIGATION.

02:04PM 22 SO POTENTIALLY, YES, THAT COULD.

02:04PM 23 MR. COOPERSMITH: DO YOU THINK, AS THE CASE  
02:04PM 24 PROCEEDED, IF YOU HAD ANY CONCERNS ABOUT THAT, I DON'T KNOW  
02:04PM 25 WHETHER YOU WOULD OR WOULDN'T, BUT WOULD THAT -- DO YOU THINK

02:04PM 1 YOU COULD PUT THAT ASIDE AND JUST LOOK AT THE EVIDENCE  
02:04PM 2 OBJECTIVELY, OR DO YOU THINK YOUR BACKGROUND AS A HEALTH CARE  
02:04PM 3 PROVIDER WOULD ALWAYS COLOR YOUR JUDGMENT AS YOU PROCEEDED TO  
02:05PM 4 LOOK AT THE FACTS?

02:05PM 5 PROSPECTIVE JUROR: I DEFINITELY THINK THAT HAVING  
02:05PM 6 EXPERIENCE AS A PROVIDER WOULD COLOR MY JUDGMENT.

02:05PM 7 AGAIN, EARLIER I HAD BEEN TALKING ABOUT ANOTHER QUESTION  
02:05PM 8 AND, YOU KNOW, I WOULD LIKE TO SAY THAT I WOULD BE COMPLETELY  
02:05PM 9 IMPARTIAL AND LOOK AT THE EVIDENCE THAT IT IS, IT IS MY LANE,  
02:05PM 10 IT'S WHAT I DO, AND I THINK IT'S IMPORTANT TO UPHOLD THAT MORAL  
02:05PM 11 AND ETHICAL CODE, AND I HAVE A PROBLEM WHEN PEOPLE DON'T DO  
02:05PM 12 THAT.

02:05PM 13 SO, YEAH, I HAVE A BIAS THERE, YES.

02:05PM 14 MR. COOPERSMITH: NO. THANK YOU FOR BEING HONEST.

02:05PM 15 AND DO YOU HAVE SOME CONCEPT COMING INTO THIS CASE THAT  
02:05PM 16 YOU THINK THERE WAS ANYTHING DEFICIENT ABOUT WHAT THERANOS WAS  
02:05PM 17 PROVIDING IN THE SERVICES IT WAS PROVIDING?

02:05PM 18 PROSPECTIVE JUROR: NO. LIKE I SAID, I DON'T KNOW  
02:05PM 19 MUCH ABOUT THE CASE. ALL I KNOW IS THAT THERE IS SOME KIND OF  
02:06PM 20 HEALTH CARE CORRELATION THERE, BUT I DON'T KNOW SPECIFICS, SO I  
02:06PM 21 DON'T HAVE A PRECONCEIVED NOTION RELATED TO THAT.

02:06PM 22 SO LIKE YOU WERE SAYING, IF SOMETHING WERE TO COME UP  
02:06PM 23 THAT'S RELATED TO THE QUESTION YOU WERE ASKING, I DON'T KNOW  
02:06PM 24 WHAT THAT WOULD BE INITIALLY.

02:06PM 25 MR. COOPERSMITH: SO YOUR CONCERNS ARE NOT RELATED

02:06PM 1 NECESSARILY TO THE FACTS OF THIS CASE?

02:06PM 2 PROSPECTIVE JUROR: NO.

02:06PM 3 MR. COOPERSMITH: BUT IF IT HAS TO DO WITH HEALTH

02:06PM 4 CARE, YOU'RE PARTICULARLY SENSITIVE TO THAT?

02:06PM 5 PROSPECTIVE JUROR: YES.

02:06PM 6 MR. COOPERSMITH: OKAY. THANK YOU.

02:06PM 7 PROSPECTIVE JUROR: YEP.

02:06PM 8 MR. COOPERSMITH: NEXT QUESTION I HAVE IS FOR

02:06PM 9 JUROR 143.

02:06PM 10 MY FIRST QUESTION IS ABOUT YOUR JOB. I THINK YOU WROTE IN

02:06PM 11 YOUR QUESTIONNAIRE THAT YOU WERE GOING THROUGH A PARTICULARLY

02:06PM 12 BUSY TIME AT WORK.

02:06PM 13 WAS THAT RIGHT?

02:06PM 14 PROSPECTIVE JUROR: YES.

02:06PM 15 MR. COOPERSMITH: AND WHAT IS YOUR WORK, IF YOU CAN

02:06PM 16 SAY?

02:06PM 17 PROSPECTIVE JUROR: I LEAD THE EXECUTIVE

02:07PM 18 COMMUNICATIONS AT A STARTUP.

02:07PM 19 MR. COOPERSMITH: OKAY. WHAT TYPE OF FIELD IS THE

02:07PM 20 STARTUP IN?

02:07PM 21 PROSPECTIVE JUROR: HOME CARE AND HOME MAINTENANCE.

02:07PM 22 MR. COOPERSMITH: OKAY. SO IF YOU WERE SERVING AS A

02:07PM 23 JUROR, WOULD YOU HAVE SOME COVERAGE FOR WHAT YOU USUALLY NEED

02:07PM 24 TO DO ON YOUR JOB?

02:07PM 25 PROSPECTIVE JUROR: YEAH, DEFINITELY. I MEAN, WORK



02:07PM 1 IS ALWAYS BUSY, BUT, YES, I HAVE A TEAM UNDER ME.

02:07PM 2 MR. COOPERSMITH: SO THE TEAM WOULD FILL IN AND

02:07PM 3 COVER WHAT YOU NEEDED TO DO?

02:07PM 4 PROSPECTIVE JUROR: CORRECT.

02:07PM 5 MR. COOPERSMITH: OKAY. AND WOULD YOU GET PAID

02:07PM 6 WHILE YOU WERE SERVING AS A JUROR?

02:07PM 7 PROSPECTIVE JUROR: YES.

02:07PM 8 MR. COOPERSMITH: THANK YOU.

02:07PM 9 I THINK YOU SAID YOU WATCHED THE DOCUMENTARY A COUPLE

02:07PM 10 YEARS AGO?

02:07PM 11 PROSPECTIVE JUROR: CORRECT.

02:07PM 12 MR. COOPERSMITH: AND HAVE YOU EVER, YOU KNOW,

02:07PM 13 DISCUSSED YOUR VIEWS ABOUT THE CASE FROM THE FACTS YOU LEARNED

02:07PM 14 IN THE DOCUMENTARY OR THE INFORMATION THAT YOU LEARNED IN THE

02:07PM 15 DOCUMENTARY? HAVE YOU EVER DISCUSSED THAT WITH FRIENDS OR

02:07PM 16 FAMILY OR ANYONE ELSE CLOSE TO YOU?

02:07PM 17 PROSPECTIVE JUROR: NOT THAT I REMEMBER. I REMEMBER

02:07PM 18 MY WIFE AND I WATCHED IT TOGETHER, SO WE HAD A CONVERSATION

02:08PM 19 IMMEDIATELY AFTERWARDS, BUT NOTHING MORE THAN THAT.

02:08PM 20 MR. COOPERSMITH: DID YOU FORM ANY OPINION ABOUT

02:08PM 21 WHAT HAPPENED AT THERANOS BASED ON YOUR WATCHING THE

02:08PM 22 DOCUMENTARY?

02:08PM 23 PROSPECTIVE JUROR: I DON'T REMEMBER. I DON'T THINK

02:08PM 24 SO.

02:08PM 25 MR. COOPERSMITH: I THINK YOU SAID THAT YOU

02:08PM 1 UNDERSTOOD THAT A DOCUMENTARY IS JUST ONE FILMMAKER'S  
02:08PM 2 PERSPECTIVE.

02:08PM 3 PROSPECTIVE JUROR: CORRECT.

02:08PM 4 MR. COOPERSMITH: SO IS IT FAIR TO SAY IF YOU SERVE  
02:08PM 5 AS A JUROR, YOU COULD DISREGARD THAT PARTICULAR FILMMAKER'S  
02:08PM 6 PERSPECTIVE AND LOOK AT THE EVIDENCE IN THIS CASE?

02:08PM 7 PROSPECTIVE JUROR: YES. I MEAN, ANYTHING THAT I  
02:08PM 8 KNOW OUTSIDE OF THIS COURTROOM DOESN'T COME INTO THE COURTROOM.

02:08PM 9 MR. COOPERSMITH: AND DO YOU ALSO HAVE AN  
02:08PM 10 UNDERSTANDING THAT FILMMAKERS WHO MAKE DOCUMENTARIES LIKE THE  
02:08PM 11 ONE YOU WATCHED MIGHT NOT HAVE ACCESS TO ALL OF THE FACTS THAT  
02:08PM 12 A JUROR WOULD HAVE IN THE COURSE OF WATCHING THE EVIDENCE IN  
02:08PM 13 THE CASE?

02:08PM 14 PROSPECTIVE JUROR: YES, DEFINITELY. THAT'S WHY I  
02:09PM 15 COMMENTED IT WAS ONE PERSON'S OPINION. THEY'RE TRYING TO TELL  
02:09PM 16 A STORY.

02:09PM 17 MR. COOPERSMITH: AND SOMETIMES THE STORY MIGHT BE  
02:09PM 18 FOR ENTERTAINMENT.

02:09PM 19 PROSPECTIVE JUROR: EXACTLY, ESPECIALLY WHEN IT'S ON  
02:09PM 20 HBO.

02:09PM 21 MR. COOPERSMITH: I MEAN, WE CAN TRY TO BE  
02:09PM 22 ENTERTAINING AS WELL.

02:09PM 23 OKAY. NUMBER 161, IF YOU COULD PASS THE MIKE OVER.

02:09PM 24 I JUST WANT TO ASK YOU, 161, THERE WAS A PARTICULAR  
02:09PM 25 QUESTION ON THE QUESTIONNAIRE, AND I'M NOT -- I DON'T WANT TO

02:09PM 1 SAY IT, BUT YOU ANSWERED THAT YOU WEREN'T SURE HOW TO ANSWER  
02:09PM 2 THE QUESTION.

02:09PM 3 DO YOU REMEMBER WHAT I'M TALKING ABOUT?

02:09PM 4 PROSPECTIVE JUROR: (NODS HEAD SIDE TO SIDE.)

02:09PM 5 MR. COOPERSMITH: YOUR HONOR, CAN I HAND THIS JUROR  
02:10PM 6 HER QUESTIONNAIRE?

02:10PM 7 THE COURT: TO SHOW HER THIS ONE QUESTION?

02:10PM 8 MR. COOPERSMITH: JUST TO SHOW HER THE ONE QUESTION.

02:10PM 9 THE COURT: ANY OBJECTION TO THAT, MR. SCHENK?

02:10PM 10 MR. SCHENK: NO, YOUR HONOR.

02:10PM 11 THE COURT: IS THIS QUESTION 56?

02:10PM 12 MR. COOPERSMITH: YES, YOUR HONOR.

02:10PM 13 (HANDING.)

02:10PM 14 PROSPECTIVE JUROR: AND I'M LOOKING FOR?

02:10PM 15 THE COURT: QUESTION 56. AND JUST READ THAT TO  
02:10PM 16 YOURSELF, PLEASE, IF YOU WOULD.

02:10PM 17 PROSPECTIVE JUROR: OKAY.

02:10PM 18 THE COURT: THE QUESTION AND YOUR ANSWER TO IT.

02:10PM 19 AND THEN IF YOU WOULD LET MR. COOPERSMITH KNOW WHEN YOU  
02:10PM 20 FINISH DOING THAT, HE'LL HAVE A QUESTION FOR YOU.

02:10PM 21 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

02:11PM 22 (PAUSE IN PROCEEDINGS.)

02:11PM 23 PROSPECTIVE JUROR: I'VE READ THE QUESTION, YES.

02:11PM 24 MR. COOPERSMITH: THANK YOU. THANK YOU.

02:11PM 25 I JUST WANTED TO ASK YOU, WITH REGARD TO THAT QUESTION, IS

02:11PM 1 THERE ANYTHING THAT YOU THINK WOULD BE USEFUL FOR US TO KNOW IN  
02:11PM 2 A PRIVATE CONVERSATION WITH THE JUDGE, IF JUDGE DAVILA  
02:11PM 3 PERMITTED THAT?

02:11PM 4 PROSPECTIVE JUROR: I'M NOT SURE. I DON'T KNOW THAT  
02:11PM 5 I CAN TALK.

02:11PM 6 MR. COOPERSMITH: I'M SORRY?

02:11PM 7 PROSPECTIVE JUROR: I SAID I'M NOT SURE I COULD  
02:11PM 8 TALK, BUT --

02:11PM 9 MR. COOPERSMITH: OKAY. I DON'T WANT TO DISCUSS IT  
02:11PM 10 PUBLICLY, BUT I JUST WANTED TO -- IF YOU HAVE ANY PARTICULAR  
02:12PM 11 VIEWS ON THE SUBJECT THAT IS INCLUDED IN THAT QUESTION, YOU  
02:12PM 12 KNOW, IT WOULD BE IMPORTANT FOR US TO KNOW THAT, AND I WONDER  
02:12PM 13 IF IT WOULD BE HELPFUL FOR YOU TO TALK ABOUT THAT PRIVATELY  
02:12PM 14 RATHER THAN IN A PUBLIC SESSION.

02:12PM 15 PROSPECTIVE JUROR: NO, I REALLY DON'T KNOW HOW TO  
02:12PM 16 ANSWER.

02:12PM 17 MR. COOPERSMITH: OKAY. DID YOU UNDERSTAND THE  
02:12PM 18 QUESTION?

02:12PM 19 (PAUSE IN PROCEEDINGS.)

02:12PM 20 PROSPECTIVE JUROR: I'D LIKE TO THINK SO.

02:12PM 21 MR. COOPERSMITH: THANK YOU.

02:12PM 22 LET ME ASK YOU MORE GENERALLY, ARE THERE ANY VIEWS THAT  
02:12PM 23 YOU HAVE ABOUT THIS CASE OR THINGS THAT YOU KNOW OR THINGS FROM  
02:12PM 24 YOUR BACKGROUND ABOUT MR. BALWANI OR ABOUT ANYTHING ELSE IN  
02:12PM 25 THIS CASE THAT YOU THINK WOULD AFFECT YOUR ABILITY TO BE A FAIR

02:12PM 1 AND IMPARTIAL JUROR?

02:12PM 2 PROSPECTIVE JUROR: NO.

02:12PM 3 MR. COOPERSMITH: OKAY. THANK YOU. THANKS.

02:13PM 4 (PAUSE IN PROCEEDINGS.)

02:13PM 5 MR. COOPERSMITH: OKAY. THE NEXT QUESTION I HAVE IS  
02:13PM 6 FOR JUROR 165.

02:14PM 7 IN AN EARLIER ANSWER YOU GAVE, YOU TALKED ABOUT PARTICULAR  
02:14PM 8 WEBSITES THAT YOU LOOKED AT TO FOLLOW SOME NEWS ABOUT THE  
02:14PM 9 THERANOS CASE.

02:14PM 10 DO YOU REMEMBER THAT?

02:14PM 11 PROSPECTIVE JUROR: YES.

02:14PM 12 MR. COOPERSMITH: AND I JUST WONDERED WHICH WEBSITES  
02:14PM 13 THEY WERE.

02:14PM 14 PROSPECTIVE JUROR: REDDIT, TWITTER,  
02:14PM 15 "NEW YORK TIMES," CNN MOSTLY, NOT THE WEBSITE, BUT THE ACTUAL,  
02:14PM 16 LIKE, TELEVISION SHOW.

02:14PM 17 MR. COOPERSMITH: OKAY. THANK YOU.

02:14PM 18 AND I THINK, AS YOU HEARD JUDGE DAVILA SAY BEFORE, YOU  
02:14PM 19 KNOW, HE WILL INSTRUCT THE JURY THAT YOU CAN'T DO OUTSIDE  
02:14PM 20 RESEARCH, YOU CAN'T LOOK AROUND THE INTERNET FOR INFORMATION  
02:14PM 21 ABOUT THE CASE, NOTHING LIKE THAT.

02:14PM 22 AND I KNOW THIS IS, LIKE, PART OF A LOT OF OUR LIVES, THIS  
02:14PM 23 IS PART OF YOUR LIFE AND HOW YOU KEEP UP WITH THINGS.

02:14PM 24 HOW DIFFICULT IS THAT GOING TO BE? DO YOU THINK THAT YOU  
02:14PM 25 COULD STOP DOING THAT AT LEAST AS IT CONCERNS THIS CASE WHILE

02:15PM 1 YOU WERE SITTING AS A JUROR IF YOU WERE SITTING AS A JUROR?

02:15PM 2 PROSPECTIVE JUROR: I THINK FOR THE MOST PART IT

02:15PM 3 WOULD BE DIFFICULT IN THE SENSE THAT I SPEND -- WHENEVER I'M ON

02:15PM 4 THE INTERNET THAT IS NOT WORK RELATED, IT'S WITH THOSE SITES

02:15PM 5 AND I -- THAT'S PROBABLY WELL OVER AN HOUR A DAY SORT OF TIME.

02:15PM 6 SO I -- THAT WOULD -- I WOULD NEED TO FIND OUT WHAT TO DO WITH

02:15PM 7 THAT TIME.

02:15PM 8 BUT, YEAH, I FEEL LIKE THAT -- IT PROBABLY WOULD TAKE A

02:15PM 9 WHILE TO ADJUST, BUT IT'S DEFINITELY POSSIBLE FOR ME TO CUT

02:15PM 10 THOSE OUT FOR THE DURATION OF THE CASE.

02:15PM 11 MR. COOPERSMITH: AND LET'S SAY THAT YOU WERE DOING

02:15PM 12 YOUR NORMAL ROUTINE AND YOU WERE LOOKING ON THE INTERNET AND

02:15PM 13 YOU CAME ACROSS "THE NEW YORK TIMES" OR ANY OTHER PUBLICATION

02:15PM 14 ON THE INTERNET, AND YOU SAW, LIKE, THE WORD "THERANOS," OR

02:15PM 15 "BALWANI."

02:15PM 16 WHAT WOULD YOU DO IN THAT CASE?

02:15PM 17 PROSPECTIVE JUROR: SO FOR THINGS, LIKE, WHEN I GET

02:15PM 18 ADS FOR HULU, WHICH I WAS REGARDED TO NOT LOOK AT ANYMORE WHEN

02:16PM 19 IT'S FOR SOME OF THE NEW SHOWS, I ALWAYS TRY AND SCROLL PAST IT

02:16PM 20 AS QUICKLY AS POSSIBLE BECAUSE I'M TRYING TO NOT LET THAT

02:16PM 21 AFFECT MY JUDGMENT IN ANY WAY.

02:16PM 22 BUT I STILL REMEMBER THE MAIN CATCH LINE THAT THEY USE ON

02:16PM 23 THE ADVERTISING ABOUT THE VIDEO CLIP OR WHATEVER WHEN I'M

02:16PM 24 SCROLLING THROUGH TWITTER OR ANYTHING LIKE THAT.

02:16PM 25 MR. COOPERSMITH: SO DO YOU THINK IT WOULD BE HARD

02:16PM 1 TO SHIELD YOURSELF COMPLETELY FROM INFORMATION ABOUT THIS CASE  
02:16PM 2 EVEN IF THE JUDGE INSTRUCTED YOU NOT TO PAY ATTENTION TO  
02:16PM 3 ANYTHING OUTSIDE OF THE WALLS OF THIS COURTROOM?

02:16PM 4 PROSPECTIVE JUROR: I THINK IT WOULD BE DOABLE FOR  
02:16PM 5 ME. IT MIGHT TAKE ME A WHILE TO ADJUST, BUT I KNOW I CAN DO IT  
02:16PM 6 IF INSTRUCTED.

02:17PM 7 (PAUSE IN PROCEEDINGS.)

02:17PM 8 MR. COOPERSMITH: YOUR HONOR, IF I COULD HAVE A FEW  
02:17PM 9 MINUTES TO LOOK AT MY NOTES?

02:17PM 10 THE COURT: YOU NEED A MOMENT TO REVIEW?

02:17PM 11 MR. COOPERSMITH: YES.

02:17PM 12 THE COURT: SURE. GO RIGHT AHEAD.

02:17PM 13 FOLKS, IF YOU WANT TO TAKE A STANDING BREAK, FEEL FREE TO  
02:17PM 14 STAND UP AND STRETCH FOR A MOMENT IF YOU WOULD LIKE.

02:18PM 15 (STRETCHING.)

02:18PM 16 THE COURT: DOES ANY MEMBER WISH TO TAKE A BREAK, A  
02:18PM 17 FIVE MINUTE BREAK TO LEAVE THE COURTROOM FOR ANY PURPOSE? IF  
02:18PM 18 NOT, WE'LL STAY HERE.

02:18PM 19 OKAY. THANK YOU. I DON'T SEE ANY HANDS.

02:20PM 20 (PAUSE IN PROCEEDINGS.)

02:20PM 21 THE COURT: ALL RIGHT. THANK YOU.

02:20PM 22 MR. COOPERSMITH, ARE YOU READY TO PROCEED?

02:20PM 23 MR. COOPERSMITH: YES, YOUR HONOR. THANK YOU FOR  
02:20PM 24 THE COURT'S INDULGENCE.

02:20PM 25 THE COURT: SURE.

02:20PM 1 MR. COOPERSMITH: SO I JUST WANT TO ASK YOU ONE  
02:20PM 2 QUESTION. YOU TALKED ABOUT YOUR CAREER AS A FORENSIC  
02:20PM 3 ACCOUNTANT, RIGHT?

02:20PM 4 AND YOU INVESTIGATED FRAUD CASES, OR HELPED INVESTIGATE  
02:20PM 5 FRAUD CASES AS PART OF YOUR JOB; IS THAT RIGHT?

02:20PM 6 PROSPECTIVE JUROR: THAT'S CORRECT.

02:20PM 7 MR. COOPERSMITH: AND YOU COME INTO THOSE CASES  
02:20PM 8 WITHOUT ANY PARTICULAR BIAS ONE WAY OR THE OTHER, YOU JUST  
02:20PM 9 FOLLOW THE EVIDENCE WHERE IT LEADS; IS THAT FAIR?

02:20PM 10 PROSPECTIVE JUROR: YEAH. WE'RE NORMALLY ENGAGED BY  
02:21PM 11 COUNSEL, AND WE DON'T MAKE ANY DETERMINATION OF INNOCENCE OR  
02:21PM 12 GUILT. WE JUST GATHER THE UNDERLYING FACTS.

02:21PM 13 MR. COOPERSMITH: OKAY. HAVE YOU EVER IN YOUR  
02:21PM 14 CAREER BEEN ON A CASE WHERE YOU WERE LOOKING AT THE FACTS AND  
02:21PM 15 INVESTIGATING IT AND YOU FOUND, AS A RESULT OF THAT, THAT THERE  
02:21PM 16 WASN'T ANY FRAUD, AT LEAST THAT'S THE WAY THAT IT CAME OUT?

02:21PM 17 PROSPECTIVE JUROR: YES.

02:21PM 18 MR. COOPERSMITH: HAS THAT HAPPENED QUITE A FEW  
02:21PM 19 TIMES IN YOUR CAREER?

02:21PM 20 PROSPECTIVE JUROR: IT DOES HAPPEN REGULARLY. IT  
02:21PM 21 GOES BACK AND FORTH. SOME FRAUD ALLEGATIONS ARE ACCURATE, AND  
02:21PM 22 SOME FRAUD ALLEGATIONS ARE NOT INACCURATE.

02:21PM 23 MR. COOPERSMITH: ARE YOU CERTIFIED AS A CPA?

02:21PM 24 PROSPECTIVE JUROR: I'M A CPA, A CA, AND A CHARTER  
02:21PM 25 BUSINESS VALUATOR FOR ECONOMIC DAMAGES.



02:21PM 1 MR. COOPERSMITH: OKAY. AND IN THE WORK YOU DO, YOU  
02:21PM 2 WORK FOR A PRIVATE EMPLOYER; RIGHT?

02:21PM 3 PROSPECTIVE JUROR: I DO.

02:22PM 4 MR. COOPERSMITH: YOU DON'T WORK FOR THE GOVERNMENT?

02:22PM 5 PROSPECTIVE JUROR: NO.

02:22PM 6 MR. COOPERSMITH: BUT DO YOU THINK THAT YOUR WORK IS  
02:22PM 7 SIMILAR TO THE WORK OF WHAT FEDERAL AGENTS DO AS FAR AS YOU  
02:22PM 8 KNOW?

02:22PM 9 PROSPECTIVE JUROR: I'M SORRY, WHAT TYPE OF FEDERAL  
02:22PM 10 AGENT?

02:22PM 11 THE COURT: WELL, I THINK THAT REQUIRES SOME  
02:22PM 12 FOUNDATION, MR. COOPERSMITH.

02:22PM 13 MR. COOPERSMITH: WELL, DO YOU KNOW --  
02:22PM 14 THANK YOU, YOUR HONOR.

02:22PM 15 DO YOU KNOW WHAT FBI AGENTS WHO INVESTIGATE FRAUD CASES  
02:22PM 16 DO?

02:22PM 17 PROSPECTIVE JUROR: GENERALLY, YES.

02:22PM 18 MR. COOPERSMITH: AND IN THE COURSE OF YOUR CAREER,  
02:22PM 19 HAVE YOU EVER INTERACTED WITH ANYONE LIKE THAT?

02:22PM 20 PROSPECTIVE JUROR: I MEAN, I HAVE WORKED WITH A LOT  
02:22PM 21 OF FORMER FBI, CIA, U.S. ATTORNEYS, ALL TYPES.

02:22PM 22 MR. COOPERSMITH: OKAY. AND IS THE WORK THAT YOU DO  
02:22PM 23 ON THE PRIVATE SIDE, IS IT SIMILAR IN TERMS OF FACT FINDING AND  
02:22PM 24 LOOKING AT EVIDENCE?

02:22PM 25 PROSPECTIVE JUROR: IT IS.

02:22PM 1 MR. COOPERSMITH: OKAY. THANK YOU.

02:22PM 2 I DON'T HAVE ANYTHING FURTHER, YOUR HONOR.

02:22PM 3 THE COURT: OKAY. THANK YOU.

02:22PM 4 ANY FURTHER QUESTIONS FROM THE GOVERNMENT?

02:23PM 5 MR. SCHENK: NO, YOUR HONOR.

02:23PM 6 THE COURT: ALL RIGHT. THANK YOU.

02:23PM 7 LADIES AND GENTLEMEN, WHAT I'D LIKE TO DO IS TO TAKE ABOUT

02:23PM 8 A 15 MINUTE BREAK HERE. WE'RE GOING TO BREAK. I WANT TO TALK

02:23PM 9 TO THE LAWYERS ABOUT NEXT STEPS.

02:23PM 10 IF YOU COULD GO DOWN TO THE JURY ASSEMBLY ROOM, PLEASE.

02:23PM 11 IF YOU COULD COLLECT YOURSELVES THERE, AND YOU'LL BE NOTIFIED

02:23PM 12 BY THE JURY COMMISSIONER AS TO WHAT NEXT STEPS WE'LL TAKE.

02:23PM 13 IT MAY BE THAT YOU'LL BE ALLOWED TO GO HOME, EXCUSED FOR

02:23PM 14 THE DAY -- NOT FROM YOUR SERVICE, BUT FOR THE DAY -- AND THEN

02:23PM 15 BE NOTIFIED ABOUT WHETHER OR NOT AND WHEN YOU NEED TO RETURN

02:23PM 16 FOR ANY FURTHER PURPOSE.

02:23PM 17 BUT I DO WANT TO TALK WITH THE LAWYERS FOR JUST A MOMENT

02:23PM 18 ABOUT NEXT STEPS, AND I DON'T WANT TO INCONVENIENCE YOU IN

02:23PM 19 SITTING HERE AND WAITING FOR THAT.

02:23PM 20 SO LET'S SEND YOU DOWN TO THE JURY ASSEMBLY ROOM, AND

02:23PM 21 YOU'LL BE CONTACTED ABOUT WHAT IS NEXT GOING TO OCCUR. THANK

02:24PM 22 YOU.

02:24PM 23 IF YOU COULD LEAVE THE DOCUMENTS HERE, THAT WOULD BE

02:24PM 24 HELPFUL.

02:24PM 25 YES, YOUR MAPS, RIGHT, OR CALENDARS.

(PROSPECTIVE JURY PANEL OUT AT 2:24 P.M.)

THE COURT: ALL RIGHT. PLEASE BE SEATED. THANK YOU.

WE'RE ON THE RECORD, AND THE RECORD SHOULD REFLECT OUR PROSPECTIVE PANEL HAS LEFT THE COURTROOM. ALL COUNSEL AND THE DEFENDANT ARE PRESENT.

COUNSEL, WHAT SHOULD WE DO NEXT?

MR. COOPERSMITH: I ALWAYS LIKE WHEN JUDGES ASK ME THAT, YOUR HONOR. THANK YOU.

YOU KNOW, WE HAVE A NUMBER OF ISSUES TO DISCUSS ABOUT TODAY'S PANEL, AND I THINK WE HAVE SOME ISSUES LEFT OVER FROM YESTERDAY'S PANEL, BOTH HARDSHIP ISSUES AND CAUSE ISSUES.

WE CAN DISCUSS THOSE ALL TOGETHER. WHATEVER THE COURT'S PREFERENCE IS. BUT THAT'S THE REMAINING BUSINESS FOR THESE TWO PANELS THAT I SEE AT LEAST.

THE COURT: OKAY. WELL, WE HAVE ONE PANEL STILL HERE, TODAY'S PANEL HERE, AND I WANT TO INQUIRE WHETHER OR NOT WE SHOULD RELEASE THEM FOR THE DAY OR WHETHER WE SHOULD KEEP SOME OF THEM.

SO LET ME HEAR YOUR THOUGHTS ON THAT.

MR. SCHENK: THANK YOU, YOUR HONOR.

I THINK THE QUESTION BEFORE US IS WHETHER WE HAVE SUFFICIENT INFORMATION TO MAKE ANY DECISIONS REGARDING THE PANEL THAT IS HERE, AND THE GOVERNMENT'S ANSWER IS YES.

I DON'T THINK THERE'S ANY JUROR PRESENT IN THE COURTHOUSE

02:26PM 1 TODAY THAT WE NEED TO CALL BACK INTO THE COURTROOM TO ASK  
02:26PM 2 FURTHER QUESTIONS, SO OUR VIEW IS THAT WE COULD RELEASE THIS  
02:26PM 3 PANEL. THE GOVERNMENT DOES NOT INTEND TO MAKE FOR CAUSE.

02:26PM 4 I'D BE HAPPY TO LOOK THROUGH THE NOTES AND SEE IF THERE  
02:26PM 5 ARE SOME HARDSHIP ONES THAT MAY HAVE BEEN OVERLOOKED OR FURTHER  
02:26PM 6 DEVELOPED IN THE LAST FEW HOURS.

02:26PM 7 BUT IF MR. COOPERSMITH HAS FOR CAUSE OR HARDSHIP, I DON'T  
02:26PM 8 KNOW THAT THE JURY NEEDS TO BE PRESENT IN THE COURTHOUSE FOR  
02:26PM 9 THEM.

02:26PM 10 THE COURT: RIGHT.

02:26PM 11 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

02:26PM 12 I CERTAINLY AGREE WE WOULDN'T HAVE TO KEEP THE JURY IF  
02:26PM 13 WE'RE JUST TALKING ABOUT CAUSE AND THEY CAN BE NOTIFIED.

02:26PM 14 THE ISSUE, THOUGH, FOR THIS PANEL THAT IS STILL HERE IS  
02:26PM 15 THAT THERE ARE JURORS, MAYBE TWO, MAYBE THREE, WHO KNEW ABOUT  
02:26PM 16 THE PRIOR CONVICTION OF MS. HOLMES.

02:26PM 17 THERE ARE ALSO A FEW JURORS WHO KNEW ABOUT, BASED ON THEIR  
02:26PM 18 QUESTIONNAIRES, THE ISSUE OF THE ALLEGATIONS AGAINST  
02:27PM 19 MR. BALWANI RELATING TO ABUSE.

02:27PM 20 AND IT'S VERY HARD, AND AS WE ALREADY DISCUSSED, TO FULLY  
02:27PM 21 DEVELOP THOSE THINGS DURING VOIR DIRE IN A PUBLIC SETTING.

02:27PM 22 SO WE WOULD LIKE TO QUESTION THOSE JURORS INDIVIDUALLY.

02:27PM 23 AND, YOU KNOW, OUR POSITION IS, AS WE DISCUSSED YESTERDAY,  
02:27PM 24 FOR EACH JUROR THAT SHOULD BE QUESTIONED INDIVIDUALLY, I  
02:27PM 25 UNDERSTAND FROM WHAT THE COURT DID YESTERDAY, THAT IT MIGHT --

02:27PM 1 THE COURT'S RULING MIGHT BE TO DO IT AS A GROUP,  
02:27PM 2 NOTWITHSTANDING OUR DESIRE.

02:27PM 3 SO THAT, YOU KNOW, WOULD BE BETTER THAN NOT DOING IT AT  
02:27PM 4 ALL, YOUR HONOR.

02:27PM 5 THE COURT: SO THANK YOU.

02:27PM 6 ARE YOU -- YOU ASKED A QUESTION ABOUT KNOWLEDGE OF A  
02:27PM 7 ROMANTIC RELATIONSHIP. I DON'T THINK YOU USED THE WORD "ABUSE"  
02:27PM 8 IN YOUR QUESTION.

02:27PM 9 MR. COOPERSMITH: NO, I DID NOT, YOUR HONOR.

02:27PM 10 THE COURT: AND THERE WERE FIVE PEOPLE THAT ANSWERED  
02:27PM 11 AFFIRMATIVELY TO THAT QUESTION.

02:27PM 12 ARE YOU ASKING THAT WE BRING THOSE FIVE IN AND MAKE  
02:27PM 13 FURTHER INQUIRY ABOUT THAT?

02:27PM 14 MR. COOPERSMITH: YES, YOUR HONOR, BECAUSE -- NOT  
02:27PM 15 FOR ALL OF THEM, I COULD LOOK AT THE QUESTIONNAIRES, BUT FOR  
02:28PM 16 SOME OF THEM THEY SEEMED TO BE AWARE OF EXACTLY WHAT THE  
02:28PM 17 QUESTION WAS.

02:28PM 18 AND THE ISSUE THAT WE'RE CONCERNED ABOUT FOR VOIR DIRE  
02:28PM 19 PURPOSES ISN'T THAT THEY KNOW ABOUT THE RELATIONSHIP. THAT'S  
02:28PM 20 GOING TO BE, I THINK, EVIDENT DURING THE COURSE OF THE EVIDENCE  
02:28PM 21 IN THE CASE.

02:28PM 22 IT'S ABOUT THIS PARTICULAR ALLEGATION THAT MS. HOLMES MADE  
02:28PM 23 AGAINST MR. BALWANI. THAT'S THE ISSUE THAT WE THINK HAS TO BE  
02:28PM 24 FURTHER EXPLORED WITH MORE INDIVIDUALIZED VOIR DIRE.

02:28PM 25 THE COURT: WELL, SO WE HAVE THESE FIVE HERE THAT I

02:28PM 1 IDENTIFIED THAT RESPONDED AFFIRMATIVELY TO YOUR QUESTION OF  
02:28PM 2 KNOWLEDGE OF, AS YOU PUT IT, ROMANTIC RELATIONSHIP.

02:28PM 3 SHOULD WE BRING THESE FIVE IN THEN IN YOUR OPINION?  
02:28PM 4 YOU'RE GOING TO GET SOME HELP HERE FROM SOMEONE IT LOOKS LIKE.

02:28PM 5 MR. COOPERSMITH: IT'S ALWAYS NICE WHEN I GET HELP,  
02:28PM 6 YOUR HONOR.

02:28PM 7 AGAIN, WE THINK EACH PERSON SHOULD BE BROUGHT IN  
02:28PM 8 INDIVIDUALLY, BUT WE UNDERSTAND THE COURT WANTED TO DO IT AS A  
02:28PM 9 GROUP, AT LEAST YESTERDAY WITH THE CONVICTIONS.

02:28PM 10 BUT WE DO THINK THAT WE HAVE TO DO THAT IN SOME FASHION,  
02:28PM 11 BECAUSE WHAT I ASKED THE JURORS DURING MY QUESTIONING WAS  
02:28PM 12 WHETHER THEY KNEW OF THE RELATIONSHIP AND THOSE PEOPLE SAID  
02:29PM 13 YES.

02:29PM 14 AND I ALSO ASKED THEM WHAT SOURCE THEY HAD AND WHEN?

02:29PM 15 AND WHEN YOU LOOK AT THE NEWS MEDIA THAT'S BEEN COVERING  
02:29PM 16 THE CASE, EVERY TIME THEY HAVE MENTIONED THE RELATIONSHIP IN  
02:29PM 17 ANY MEDIA THAT I HAVE EVER SEEN IN THIS CASE FROM ANY  
02:29PM 18 PUBLICATION, THAT WAS ALWAYS THE -- WHAT THEY TALKED ABOUT.

02:29PM 19 THE COURT: NO, NO, I'M NOT -- YOU DON'T HAVE TO  
02:29PM 20 DEFEND WHETHER OR NOT WE SHOULD BRING THEM UP.

02:29PM 21 MR. COOPERSMITH: OKAY. THANKS.

02:29PM 22 THE COURT: THAT'S THE FIVE THAT I IDENTIFIED, 161,  
02:29PM 23 165, 162, 179, AND 181. THOSE ARE THE FIVE THAT YOU ASKED THE  
02:29PM 24 QUESTION OF THAT RESPONDED AFFIRMATIVELY ACCORDING TO MY NOTES.

02:29PM 25 MR. COOPERSMITH: YOUR HONOR, MY COLLEAGUE

02:29PM 1 MS. WALSH'S NOTES SHOW A FEW MORE.

02:29PM 2 WE HAD 108, 125, 131, 134, 143, 161, 165, 162, 179, AND  
02:29PM 3 181.

02:29PM 4 THE COURT: TO THAT QUESTION?

02:29PM 5 MR. COOPERSMITH: TO THE RELATIONSHIP QUESTION, YES.

02:30PM 6 THE COURT: I SEE. OKAY.

02:30PM 7 MR. COOPERSMITH: AND THEN THERE WERE, AS I SAID, A  
02:30PM 8 FEW OTHERS WHO KNEW ABOUT THE PRIOR CONVICTION, SO THEY MAY  
02:30PM 9 HAVE SOME OVERLAP ON THAT. THERE WERE AT LEAST TWO OR THREE.  
02:30PM 10 WE CAN COME UP WITH THAT LIST.

02:30PM 11 THE COURT: WELL, LET'S TAKE TEN MINUTES AND LET YOU  
02:30PM 12 GET A LIST TOGETHER, BECAUSE WHAT WE MAY DO -- LET'S LOOK AT  
02:30PM 13 THAT. I DON'T WANT TO KEEP OUR JURORS DOWN THERE ANY LONGER  
02:30PM 14 THAN WE HAVE TO.

02:30PM 15 AND IF WE'RE GOING TO BRING SOME FOLKS UP, I'D LIKE TO DO  
02:30PM 16 THAT IN A WAY THAT ALLOWS THE PARTIES TO GAIN INFORMATION THAT  
02:30PM 17 THEY NEED, BUT ALSO TO DO IT IN AN EFFICIENT MANNER TO  
02:30PM 18 ACCOMPLISH THAT.

02:30PM 19 SO LET'S TAKE --

02:30PM 20 MR. COOPERSMITH: YES.

02:30PM 21 THE COURT: SO LET'S GIVE YOU ABOUT TEN MINUTES TO  
02:30PM 22 DO THAT.

02:30PM 23 MR. COOPERSMITH: OKAY. THANK YOU, YOUR HONOR.

02:30PM 24 THE COURT: WE'LL BE IN RECESS.

02:30PM 25 (RECESS FROM 2:30 P.M. UNTIL 2:45 P.M.)

02:45PM 1 THE COURT: WE'RE BACK ON THE RECORD OUTSIDE OF THE  
02:45PM 2 PRESENCE OF OUR PROSPECTIVE PANEL.

02:45PM 3 ALL COUNSEL, MR. BALWANI IS PRESENT.

02:46PM 4 MR. COOPERSMITH.

02:46PM 5 MR. COOPERSMITH: YES, YOUR HONOR. THANK YOU.

02:46PM 6 AND THANK YOU FOR GIVING US A LITTLE TIME. WE REALLY  
02:46PM 7 APPRECIATE IT.

02:46PM 8 SO, FIRST OF ALL, GOING BACK TO THE RELATIONSHIP ISSUE, IN  
02:46PM 9 THE TIME WE HAD THERE, WE CULLED DOWN OUR LIST A LITTLE BIT.  
02:46PM 10 WE SAW THAT WE HAD SOME PEOPLE WHO WATCHED OR LISTENED TO  
02:46PM 11 SOMETHING LONG ENOUGH AGO THAT WE WOULDN'T BE CONCERNED WITH  
02:46PM 12 THE ISSUE THAT WE'RE CONCERNED ABOUT.

02:46PM 13 SO WE CUT PEOPLE OFF FROM THAT LIST.

02:46PM 14 THE COURT: RIGHT.

02:46PM 15 MR. COOPERSMITH: SO I COULD READ IT AGAIN AND TELL  
02:46PM 16 YOU WHO WE TOOK OFF. MAYBE I'LL READ IT AGAIN.

02:46PM 17 THE PEOPLE THAT WE THINK SHOULD BE QUESTIONED  
02:46PM 18 INDIVIDUALLY, 108, 125, 131, 134, 161, 165, 162, AND 179. AND  
02:46PM 19 THAT'S A REVISED LIST FROM THE ONE I GAVE BEFORE THE BREAK.

02:46PM 20 AND, YOUR HONOR, SINCE WE THINK IT'S VERY LIKELY THAT THEY  
02:46PM 21 KNOW ABOUT THE ALLEGATIONS OF ABUSE, WE DON'T KNOW THAT FOR  
02:47PM 22 SURE, SO WE THINK THERE'S SOME RISK IN QUESTIONING THEM ALL  
02:47PM 23 TOGETHER BECAUSE IF WE'RE GOING TO HAVE A CANDID DISCUSSION  
02:47PM 24 ABOUT WHAT THEY KNOW ABOUT THAT ISSUE, IT MIGHT TAINT OTHERS IF  
02:47PM 25 SOME PEOPLE KNOW MORE THAN OTHERS ABOUT EXACTLY WHAT WAS GOING



02:47PM 1 ON, OR WHAT THE ALLEGATIONS WERE RATHER.

02:47PM 2 SO THAT WAS -- I MEAN, I KNOW IT WAS MORE TIME-CONSUMING,  
02:47PM 3 BUT THAT WAS THE ISSUE WE HAD.

02:47PM 4 TURNING TO THE OTHER QUESTION, THERE'S ONLY TWO JURORS  
02:47PM 5 THAT WE THINK WOULD HAVE TO BE INDIVIDUALLY QUESTIONED ABOUT  
02:47PM 6 THE KNOWLEDGE OF THE PRIOR CONVICTION, AND THAT'S JUROR 165 AND  
02:47PM 7 JUROR 180.

02:47PM 8 SO THERE'S AN OVERLAP, OBVIOUSLY WITH 165.

02:47PM 9 180 IS SOMEONE WHO APPARENTLY DIDN'T RAISE HIS HAND ABOUT  
02:47PM 10 THE RELATIONSHIP, BUT DOES KNOW ABOUT THE PRIOR CONVICTION.

02:47PM 11 MR. SCHENK: 180 HAS BEEN EXCUSED.

02:47PM 12 MR. COOPERSMITH: OH, IS THAT RIGHT?

02:47PM 13 THE COURT: YES.

02:47PM 14 THE CLERK: YES.

02:47PM 15 MR. COOPERSMITH: WELL, THAT SOLVES 180. GREAT.

02:47PM 16 THANK YOU.

02:47PM 17 SO THAT JUST MEANS WE HAVE 165 WHO WOULD BE THE ONE JUROR  
02:48PM 18 WHO WOULD HAVE TO TALK ABOUT BOTH ISSUES.

02:48PM 19 MR. SCHENK: YOUR HONOR, LET ME START WITH THE  
02:48PM 20 CONVICTION ISSUE.

02:48PM 21 165 EXPRESSED KNOWLEDGE OF THE CONVICTION VERY EARLY ON  
02:48PM 22 THIS MORNING AND WAS ASKED MULTIPLE TIMES AFTER THE EXPRESSION  
02:48PM 23 OF THAT KNOWLEDGE WHETHER THAT JUROR COULD BE FAIR.

02:48PM 24 THERE IS NO NEED TO DO INDIVIDUAL VOIR DIRE ON THE  
02:48PM 25 CONVICTION QUESTION. THAT HAS BEEN THOROUGHLY DISCUSSED AFTER

02:48PM 1 THE JUROR EXPRESSED KNOWLEDGE OF THAT FACT.

02:48PM 2 SO I DON'T THINK THAT THERE'S A NEED TO RETREAD THAT  
02:48PM 3 GROUND.

02:48PM 4 THE COURT: MAY I ASK, IS THIS THE JUROR WHO, WHEN  
02:48PM 5 ASKED ABOUT KNOWLEDGE SAID, OH, YES, I READ ALL OF THIS AND  
02:48PM 6 HEARD ABOUT IT, AND INCLUDING THE CONVICTION AND THEN HE  
02:48PM 7 STOPPED? AND THAT WAS IT?

02:48PM 8 MR. COOPERSMITH: RIGHT. IT WAS THE SAME JUROR WHO  
02:48PM 9 TALKED ABOUT HOW HE'S READING INTERNET SITES AND DOING IT ALL  
02:48PM 10 OF THE TIME AND IT MIGHT BE DIFFICULT FOR HIM TO DO THAT.

02:48PM 11 THE COURT: I THOUGHT HE SAID HE COULD.

02:48PM 12 MR. COOPERSMITH: HE DID ULTIMATELY SAY HE COULD,  
02:48PM 13 BUT HE JUST SAID IT WOULD BE DIFFICULT.

02:49PM 14 THE COURT: HE DID SAY THAT. HE SAID I WOULD FOLLOW  
02:49PM 15 THE COURT'S INSTRUCTION AND I WOULD DO IT. HE SEEMS TO BE  
02:49PM 16 WEDDED TO REDDIT, TWITTER, "NEW YORK TIMES," CNN.

02:49PM 17 HARD. IT'S DOABLE, I CAN DO IT.

02:49PM 18 MR. COOPERSMITH: RIGHT. AND I UNDERSTAND  
02:49PM 19 MR. SCHENK'S POINT. THE ONLY REASON THAT I THINK IT'S STILL  
02:49PM 20 NECESSARY IS BECAUSE WE COULDN'T REALLY STILL EXPLORE WHETHER  
02:49PM 21 THAT PARTICULAR THING, THE KNOWLEDGE OF THE CONVICTION, WOULD  
02:49PM 22 CLOUD HIS JUDGMENT IN A WAY THAT WOULD MAKE IT HARD FOR HIM TO  
02:49PM 23 SIT.

02:49PM 24 AND I WOULD ALSO SAY BECAUSE IT'S ONLY ONE PERSON THAT WE  
02:49PM 25 THINK HAS TO BE QUESTIONED ON THE RELATIONSHIP ISSUE ANYWAY, I

02:49PM 1 DON'T THINK IT WOULD TAKE AN INORDINATE AMOUNT OF TIME TO ASK  
02:49PM 2 HIM QUESTIONS IF HE WAS HERE ANYWAY.

02:49PM 3 THE COURT: WHAT -- WHY CAN'T WE ACCOMPLISH WITH  
02:49PM 4 THESE TEN INDIVIDUALS A CONVERSATION, AT LEAST INITIALLY  
02:49PM 5 EXPLORE THEIR KNOWLEDGE OF THE ROMANTIC RELATIONSHIP  
02:49PM 6 COLLECTIVELY?

02:50PM 7 MR. COOPERSMITH: I THINK WE CAN GO A CERTAIN WAY  
02:50PM 8 DOWN THAT ROAD.

02:50PM 9 THE COURT: FOR EXAMPLE -- PARDON ME. BUT IF YOU  
02:50PM 10 WERE TO ASK, YOU TOLD US ABOUT YOUR KNOWLEDGE OF THE  
02:50PM 11 RELATIONSHIP, AND THEN MAYBE STAGE THE QUESTIONING? WOULD THAT  
02:50PM 12 HELP IF YOU STAGED THE QUESTIONING? DOES ANYBODY KNOW ABOUT  
02:50PM 13 ANY OTHER ALLEGATIONS? AND START PARING IT DOWN TO SEE.

02:50PM 14 IF THEY ALL RAISE THEIR HAND, THEN WE CAN HAVE A  
02:50PM 15 COLLECTIVE CONVERSATION. IT'S NOT GOING TO INTERFERE AND  
02:50PM 16 INFECT ANYONE.

02:50PM 17 MR. COOPERSMITH: YOUR HONOR, I DEFINITELY  
02:50PM 18 UNDERSTAND THE EFFICIENCY POINT, AND OBVIOUSLY THAT'S BETTER  
02:50PM 19 THAN NOT DOING IT AT ALL.

02:50PM 20 OUR PREFERENCE IS TO DO IT ONE-BY-ONE, BUT IF THAT'S WHAT  
02:50PM 21 THE COURT SETTLES ON, THEN OF COURSE WE'LL CONDUCT IT THAT WAY.

02:50PM 22 THE COURT: MR. SCHENK, DO YOU HAVE ANY THOUGHTS?

02:50PM 23 MR. SCHENK: YOUR HONOR, IN THE QUESTIONNAIRE WE  
02:50PM 24 ASKED JURORS, ALL OF THEM, IF THEY KNEW ABOUT A RELATIONSHIP.

02:50PM 25 NOW MR. COOPERSMITH HAS REFINED THAT QUESTION BY ASKING

02:50PM 1 THE PANEL IF THEY KNEW ABOUT A ROMANTIC RELATIONSHIP.

02:51PM 2 IT SEEMS TO ME THAT THE QUESTION THAT MATTERS NOW IS YOUR  
02:51PM 3 KNOWLEDGE OF THE ROMANTIC RELATIONSHIP WAS OBTAINED THROUGH THE  
02:51PM 4 MEDIA. YOU'VE TOLD ME WHERE YOU'VE LEARNED IT AND WHEN YOU  
02:51PM 5 LEARNED IT. IS THERE ANYTHING ABOUT THAT KNOWLEDGE THAT WOULD  
02:51PM 6 AFFECT YOUR ABILITY TO BE FAIR AND IMPARTIAL?

02:51PM 7 WE DON'T NEED TO PROBE TO THE DETAILS OF WHAT IT IS THAT  
02:51PM 8 THEY KNOW.

02:51PM 9 SO I'M NOT SURE -- IF WE GO THAT ROUTE, I THINK THEY CAN  
02:51PM 10 ALL BE QUESTIONED COLLECTIVELY.

02:51PM 11 I THINK THE KEY QUESTION IS, CAN THEY BE FAIR AND  
02:51PM 12 IMPARTIAL IN LIGHT OF THE KNOWLEDGE THEY BRING TO THE  
02:51PM 13 COURTROOM, THE SAME QUESTION THAT WE HAVE ASKED THEM MULTIPLE  
02:51PM 14 TIMES ON VARIOUS TOPICS.

02:51PM 15 IF, THOUGH, WE ARE GOING TO INJECT THE SORT OF MULTIPLE  
02:51PM 16 LEVELS, I SUPPOSE I DO HAVE A CONCERN THAT AT SOME POINT ONE  
02:51PM 17 JUROR IS GOING TO SAY, YES, WHAT I KNOW ABOUT THE ROMANTIC  
02:51PM 18 RELATIONSHIP IS X, AND THEN THEY'LL SAY THE WORD "ABUSE" OR  
02:52PM 19 SOMETHING LIKE THAT, AND I SUPPOSE COLLECTIVELY IS THE WAY TO  
02:52PM 20 GO BECAUSE THE ONLY QUESTION THAT MATTERS IS, CAN YOU BE FAIR  
02:52PM 21 AND IMPARTIAL?

02:52PM 22 BUT IF WE'RE GOING TO GO FURTHER AND IF WE ARE GOING TO  
02:52PM 23 INJECT INTO THEIR LIST OF QUESTIONS OR THEIR KNOWLEDGE THE  
02:52PM 24 ALLEGATIONS OF ABUSE, THEN I THINK THAT SHOULD BE INDIVIDUAL.

02:52PM 25 THE COURT: I'M JUST TRYING TO SEE HOW WE CAN PARSE

02:52PM 1 THAT OUT.

02:52PM 2 LET ME JUST SAY THIS: IT'S TEN MINUTES TO 3:00. DO YOU  
02:52PM 3 INTEND TO EXAMINE THEM ON THIS ISSUE, EACH OF THEM FOR  
02:52PM 4 30 MINUTES, 40 MINUTES?

02:52PM 5 MR. COOPERSMITH: NO, NOTHING LIKE THAT.

02:52PM 6 THE COURT: I'M NOT PUTTING TIME LIMITS, I JUST WANT  
02:52PM 7 TO --

02:52PM 8 MR. COOPERSMITH: NO. WHAT I'M REALLY INTERESTED IN  
02:52PM 9 KNOWING IS CERTAINLY WHETHER THEY CAN BE FAIR.

02:52PM 10 BUT BEYOND THAT, SIMPLY WHETHER THERE'S ANYTHING ABOUT  
02:52PM 11 THEIR BACKGROUND OR THEIR EXPERIENCE OR WHAT THEY KNOW ABOUT  
02:52PM 12 THIS CASE THAT WOULD MAKE THEM LOOK AT MR. BALWANI DURING THE  
02:52PM 13 ENTIRE COURSE OF THE TRIAL AS AN ACCUSED ABUSER RATHER THAN A  
02:53PM 14 MAN WHO IS INNOCENT UNTIL PROVEN GUILTY, AND I WANT TO GET TO  
02:53PM 15 THE BOTTOM OF THAT QUESTION BECAUSE SOME PEOPLE JUSTIFIABLY  
02:53PM 16 HAVE PARTICULAR EXPERIENCES OR REASONS TO BE REALLY CONCERNED  
02:53PM 17 ABOUT THAT.

02:53PM 18 THE COURT: SO THAT'S THE QUESTION YOU WOULD ASK  
02:53PM 19 THEM IF THEY WERE BROUGHT IN INDIVIDUALLY? YOU'VE HEARD ABOUT  
02:53PM 20 THE ROMANTIC RELATIONSHIP. IS THERE ANYTHING ABOUT THAT  
02:53PM 21 RELATIONSHIP -- I'M NOT TELLING YOU WHAT TO SAY -- BUT IS THERE  
02:53PM 22 ANYTHING ABOUT THAT RELATIONSHIP, THAT YOU'VE HEARD THERE WAS  
02:53PM 23 ABUSE INVOLVED? YES OR NO?

02:53PM 24 AND THEN WITH THAT KNOWLEDGE THEN, WITH THAT KNOWLEDGE  
02:53PM 25 THEN, WOULD YOU LOOK AT MY CLIENT AS AN ABUSER, AS OPPOSED

02:53PM 1 TO -- AS YOU JUST SAID BEFORE? IS THAT IT, LIKE, FOUR  
02:53PM 2 QUESTIONS LIKE THAT?

02:53PM 3 MR. COOPERSMITH: IT'S BASICALLY THAT, YOUR HONOR.

02:53PM 4 AND I MIGHT ASK THEM ONE MORE THING, DO THEY BELIEVE THE  
02:53PM 5 ALLEGATIONS FOR SOME REASON, EVEN THOUGH THEY MAY NOT KNOW AS  
02:53PM 6 MUCH ABOUT IT AS THEY WOULD NEED TO TO MAKE THAT CONCLUSION?

02:54PM 7 SOME PEOPLE, YOU KNOW, WOULD AUTOMATICALLY ACCEPT THAT  
02:54PM 8 DEPENDING ON THEIR BACKGROUND AND PARTICULAR PERSPECTIVE.

02:54PM 9 SO, YEAH, IT'S PROBABLY FOUR OR FIVE QUESTIONS,  
02:54PM 10 YOUR HONOR.

02:54PM 11 IT'S NOT NOTHING.

02:54PM 12 I DON'T WANT TO CAUSE MORE TIME THAN NECESSARY, BUT THAT'S  
02:54PM 13 WHAT WE'RE GETTING AT.

02:54PM 14 THE COURT: WE ALL WANT TO MAKE SURE TO GET A FAIR  
02:54PM 15 JURY HERE AND GET A FAIR TRIAL.

02:54PM 16 WHAT ELSE WITH THIS LEVEL OF INQUIRY? ANYTHING ELSE WITH  
02:54PM 17 THIS PANEL?

02:54PM 18 MR. COOPERSMITH: ONLY THAT ONE JUROR THAT OVERLAPS  
02:54PM 19 ABOUT THE CONVICTION, NUMBER 165.

02:54PM 20 THE COURT: YES.

02:54PM 21 MR. COOPERSMITH: AND THEN WE HAVE SOME ADDITIONAL  
02:54PM 22 CONCERNS ABOUT CAUSE, STRIKES, BASED ON WHAT PEOPLE SAID, NOT  
02:54PM 23 TOO MANY, BUT SOME, AND THEN THERE ARE SOME HARDSHIP ISSUES  
02:54PM 24 THAT WE CAN DISCUSS.

02:54PM 25 BUT AGAIN, AS MR. SCHENK SAID, WE DON'T HAVE TO DO THAT

02:54PM 1 TODAY. THEY CAN BE EXCUSED AND WE TAKE THAT UP TOMORROW OR  
02:54PM 2 WHENEVER THE COURT WOULD PREFER.

02:54PM 3 SAME WITH THE FIRST PANEL, FRANKLY. WE CAN TALK ABOUT  
02:54PM 4 THAT AS WELL WHEN THE COURT WISHES TO DO THAT.

02:54PM 5 THE COURT: OKAY. WELL, LET'S -- ANYTHING FURTHER?

02:55PM 6 MR. SCHENK: NO, YOUR HONOR.

02:55PM 7 THE COURT: ALL RIGHT. THANK YOU.

02:55PM 8 LET US SEND OUR -- IT'S PROBABLY EASIER TO SAY LET'S KEEP  
02:55PM 9 FOR TODAY 108, 125, 131, 134, 161, 165, 162, AND 179.

02:55PM 10 EVERYONE ELSE CAN BE RELEASED FOR THE DAY, AND THEY'LL BE  
02:55PM 11 NOTIFIED AS TO IF AND/OR WHEN THEY SHOULD BE RECALLED.

02:55PM 12 AND THEN THOSE INDIVIDUALS WE WILL -- LET'S SEE. LET ME  
02:55PM 13 GO OFF THE RECORD TO CHECK AND SEE WHERE WE CAN PARK THEM.

02:55PM 14 (PAUSE IN PROCEEDINGS.)

03:01PM 15 (PROSPECTIVE JURORS 108, 125, 131, 134, 165, 162, AND 179  
03:01PM 16 IN AT 3:01 P.M.)

03:01PM 17 THE COURT: WE'RE BACK ON THE RECORD. ALL COUNSEL  
03:01PM 18 ARE PRESENT AND MR. BALWANI IS PRESENT.

03:01PM 19 I JUST WANT TO CONFIRM THAT WE HAVE -- WE'VE CALLED AND  
03:01PM 20 SUMMONED BACK SOME PROSPECTIVE JURORS TO ANSWER ADDITIONAL  
03:01PM 21 QUESTIONS.

03:01PM 22 MR. COOPERSMITH, I JUST WANT TO GO OVER THE LIST THAT  
03:01PM 23 YOU'VE PROVIDED ME TO MAKE SURE THAT WE HAVE EVERYONE WE'VE  
03:01PM 24 TALKED ABOUT, MR. SCHENK.

03:01PM 25 JUROR 108 IS HERE. THANK YOU.

03:02PM 1 125.

03:02PM 2 131.

03:02PM 3 134. WAS THAT A NUMBER THAT YOU ASKED FOR -- THAT WAS

03:02PM 4 ASKED FOR, PARDON ME?

03:02PM 5 MR. COOPERSMITH: YES, YOUR HONOR.

03:02PM 6 THE COURT: 134 IS NOT HERE.

03:02PM 7 WE'LL CHECK ON THAT. 161. YES. THANK YOU.

03:02PM 8 165. YES. THANK YOU.

03:02PM 9 162.

03:02PM 10 179. YES. THANK YOU.

03:02PM 11 GIVE US JUST A MOMENT. WE MAY HAVE LOST A JUROR IN THE

03:02PM 12 HALLWAY.

03:02PM 13 PROSPECTIVE JUROR: I DON'T THINK SHE CALLED A

03:02PM 14 NUMBER.

03:02PM 15 THE COURT: HANG ON A SECOND. WE'LL GET THE

03:03PM 16 MICROPHONE TO FOLKS.

03:03PM 17 YOU'RE JUROR NUMBER?

03:03PM 18 PROSPECTIVE JUROR: 165.

03:03PM 19 THE COURT: YES.

03:03PM 20 PROSPECTIVE JUROR: I THINK FOR JUROR 134, BEFORE

03:03PM 21 WHEN DEFENSE COUNSEL WAS ASKING US QUESTIONS THEY ASKED FOR 134

03:03PM 22 AND HE WAS NOT HERE DURING THE -- AFTER THE BREAK.

03:03PM 23 SO AT LEAST --

03:03PM 24 THE CLERK: HE'S ON HIS WAY.

03:03PM 25 PROSPECTIVE JUROR: OH, OKAY.



03:03PM 1 THE COURT: YES, I THINK WE FOUND HIM. HE'S BEEN  
03:03PM 2 FOUND.

03:03PM 3 THANK YOU FOR THE HELP, THOUGH. I APPRECIATE IT.

03:03PM 4 YOU LOOK AWFULLY LONELY THERE, 108. WHY DON'T YOU --  
03:03PM 5 WOULD YOU LIKE TO JOIN YOUR COLLEAGUES THERE? SURE. WHY DON'T  
03:03PM 6 YOU STEP DOWN AND CHOOSE A SEAT THERE.

03:03PM 7 OR YOU COULD SPREAD OUT IF YOU WOULD LIKE. WHATEVER.

03:04PM 8 (PAUSE IN PROCEEDINGS.)

03:05PM 9 THE COURT: THANK YOU. PLEASE BE SEATED. THANK  
03:05PM 10 YOU.

03:05PM 11 ALL RIGHT. WE'RE ON THE RECORD AND JUROR NUMBER 134 HAS  
03:05PM 12 JOINED US, ALONG WITH ALL OF THE OTHER JURORS I'VE CALLED OUT.

03:05PM 13 LADIES AND GENTLEMEN, THANK YOU FOR COMING BACK AND THANK  
03:05PM 14 YOU FOR YOUR PATIENCE.

03:05PM 15 I BROUGHT YOU BACK BECAUSE WE WANTED TO ASK YOU FOLLOWUP  
03:05PM 16 ON ONE OF THE QUESTIONS THAT WAS POSED TO YOU.

03:05PM 17 WE'RE GOING TO BEGIN DOING THIS COLLECTIVELY, TO ASK YOU  
03:05PM 18 QUESTIONS COLLECTIVELY.

03:05PM 19 IT MAY BE THAT WE CAN SPEAK PRIVATELY IF YOU WISH TO SPEAK  
03:06PM 20 PRIVATELY OR IF THE TOPIC MOVES INTO A DIRECTION THAT COUNSEL  
03:06PM 21 OR I FEEL WOULD BE MORE APPROPRIATE TO SPEAK PRIVATELY.

03:06PM 22 IF WE DO THAT, WE'LL GO INTO THIS LITTLE ROOM HERE, INTO  
03:06PM 23 OUR JURY DELIBERATION ROOM. OUR COURT REPORTER WILL COME WITH  
03:06PM 24 US AND WE CAN TALK ONE ON ONE.

03:06PM 25 THIS IS NOT GOING TO TAKE AN INORDINATE AMOUNT OF TIME.

03:06PM 1 BUT LET ME TELL YOU, THE QUESTIONS THAT ARE GOING TO BE  
03:06PM 2 POSED TO YOU REVOLVE AROUND YOUR ANSWER TO THE QUESTION ABOUT  
03:06PM 3 KNOWLEDGE OF A ROMANTIC RELATIONSHIP BETWEEN MR. BALWANI AND  
03:06PM 4 MS. HOLMES.

03:06PM 5 AND EACH OF YOU, IN RESPONSE TO MR. COOPERSMITH'S INQUIRY,  
03:06PM 6 RAISED YOUR HAND THAT YOU HAD KNOWLEDGE ABOUT THAT.

03:06PM 7 YOU ALSO IDENTIFIED FOR US THE SOURCE OF THAT INFORMATION,  
03:06PM 8 AND WE ALL HAVE THAT DOWN. WE'RE NOT GOING TO ASK YOU TO  
03:06PM 9 REPEAT THE SOURCE OF INFORMATION.

03:06PM 10 BUT MY SENSE IS THAT THE PARTIES ARE CURIOUS ABOUT THAT  
03:06PM 11 KNOWLEDGE OF -- YOUR KNOWLEDGE OF THAT ROMANTIC RELATIONSHIP  
03:07PM 12 AND PERHAPS SOME OTHER ISSUE THAT MIGHT BE ATTACHED TO IT.

03:07PM 13 MR. SCHENK, DO YOU WANT TO WAIVE ANY OPENING QUESTIONS AND  
03:07PM 14 ALLOW MR. COOPERSMITH TO BEGIN?

03:07PM 15 MR. SCHENK: YES, YOUR HONOR.

03:07PM 16 THE COURT: THANK YOU.

03:07PM 17 MR. COOPERSMITH.

03:07PM 18 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

03:07PM 19 AND AS JUDGE DAVILA SAID, THANK YOU FOR COMING BACK. WE  
03:07PM 20 APPRECIATE YOUR TIME AND WE KNOW IT'S VALUABLE.

03:07PM 21 JUDGE DAVILA TOLD YOU WHY YOU'RE BACK HERE AND IT RELATES  
03:07PM 22 TO THE ROMANTIC RELATIONSHIP QUESTION.

03:07PM 23 IF YOU WERE SEATED AS A JUROR, DURING THE COURSE OF THE  
03:07PM 24 TRIAL IT'S LIKELY THAT YOU WILL HEAR INFORMATION ABOUT THE  
03:07PM 25 RELATIONSHIP BETWEEN MR. BALWANI AND MS. HOLMES --

03:07PM 1 THE COURT: MR. COOPERSMITH, I'M SORRY.

03:07PM 2 MR. COOPERSMITH, I'M SORRY. I HATE TO INTERRUPT YOU, BUT YOUR  
03:07PM 3 BACK IS TO THE MOST IMPORTANT PERSON IN THE COURTROOM.

03:07PM 4 MR. COOPERSMITH: IT IS TRUE, YES.

03:07PM 5 THE COURT: RIGHT. SO SHE NEEDS TO HEAR YOU. SO IF  
03:07PM 6 I COULD JUST POSITION YOU A DIFFERENT WAY, MAYBE PULL THAT  
03:08PM 7 MICROPHONE OVER AND THAT MIGHT BE OF ASSISTANCE TO HER.

03:08PM 8 THANK YOU. I APPRECIATE THAT. SORRY TO INTERRUPT.

03:08PM 9 MR. COOPERSMITH: MY APOLOGIES, YOUR HONOR, AND ALSO  
03:08PM 10 TO THE COURT REPORTER.

03:08PM 11 AS I WAS SAYING, DURING THE COURSE OF THIS TRIAL, YOU  
03:08PM 12 MIGHT HEAR EVIDENCE ABOUT THE RELATIONSHIP ABOUT MR. BALWANI  
03:08PM 13 AND MS. HOLMES.

03:08PM 14 AND THE FIRST QUESTION I HAVE FOR YOU, JUST BY A SHOW OF  
03:08PM 15 HANDS, OF COURSE, GIVEN WHAT YOU'VE ALREADY TOLD ME ABOUT WHERE  
03:08PM 16 YOU LEARNED THAT OR WHEN, OR APPROXIMATELY WHEN, ARE YOU AWARE  
03:08PM 17 OF ANY OTHER ISSUE IN THAT RELATIONSHIP, THAT ANY SORT OF  
03:08PM 18 DIFFICULTY OR ALLEGATIONS OR ANYTHING OF THAT NATURE THAT YOU  
03:08PM 19 HEARD IN ADDITION TO THE FACT THAT THERE WAS A ROMANTIC  
03:08PM 20 RELATIONSHIP?

03:08PM 21 AND IF YOU HAVE ANYTHING IN YOUR HEAD ABOUT THAT, IF YOU  
03:08PM 22 COULD RAISE YOUR HAND, I WOULD APPRECIATE IT.

03:08PM 23 OKAY. AND WITHOUT TELLING ME WHAT YOU KNOW --

03:08PM 24 THE COURT: THIS IS JUROR NUMBER 162.

03:08PM 25 MR. COOPERSMITH: 162. THANK YOU.

03:08PM 1 AND WITHOUT TELLING ME EXACTLY WHAT YOU KNOW, ARE YOU  
03:09PM 2 AWARE OF SOME DIFFICULTY OR ALLEGATIONS OR ANYTHING RELATED TO  
03:09PM 3 THE RELATIONSHIP ALONG THOSE LINES?

03:09PM 4 PROSPECTIVE JUROR: HELLO.

03:09PM 5 I MEAN, MAYBE I SHOULDN'T HAVE RAISED MY HAND. I DID HEAR  
03:09PM 6 SOMETHING ABOUT THE RELATIONSHIP THAT I READ IN "THE MERCURY,"  
03:09PM 7 THAT IT WASN'T -- I MEAN, AM I FREE TO SAY?

03:09PM 8 THE COURT: WELL, LET ME JUST -- YES. LET ME JUST  
03:09PM 9 ASK YOU, YOU HEARD SOMETHING ABOUT -- YOU TOLD US YOU KNOW  
03:09PM 10 ABOUT A ROMANTIC RELATIONSHIP, AND IT SEEMS LIKE YOU HAVE, AT  
03:09PM 11 LEAST YOU'VE READ ABOUT SOMETHING THAT TALKS ABOUT THAT  
03:09PM 12 RELATIONSHIP IN GREATER DETAIL?

03:09PM 13 PROSPECTIVE JUROR: CORRECT.

03:09PM 14 THE COURT: OKAY. LET'S STOP YOU THERE.

03:09PM 15 MR. COOPERSMITH.

03:09PM 16 MR. COOPERSMITH: OKAY. ANYONE ELSE --

03:09PM 17 THANK YOU, YOUR HONOR.

03:09PM 18 ANYONE ELSE HAVE ANY KNOWLEDGE OF SOME -- ANY PARTICULAR  
03:09PM 19 ISSUES THAT AT LEAST WERE ALLEGED OR DISCUSSED ABOUT THE  
03:09PM 20 RELATIONSHIP BETWEEN MR. BALWANI, MY CLIENT, AND MS. HOLMES?

03:09PM 21 NUMBER 161.

03:10PM 22 AND WITHOUT TELLING US YET EXACTLY WHAT YOU KNOW.

03:10PM 23 PROSPECTIVE JUROR: YEAH. LIKE I SAID, THE NEWS WAS  
03:10PM 24 GOING ON ON THE SIDE, AND I WAS WORKING ON SOMETHING, AND I  
03:10PM 25 JUST HEARD ABOUT A RELATIONSHIP.

03:10PM 1 BUT LIKE THE JUDGE SAID, MORE TO IT THAN A ROMANTIC  
03:10PM 2 RELATIONSHIP.

03:10PM 3 MR. COOPERSMITH: OKAY. AND IT'S -- I'LL TRY TO  
03:10PM 4 PHRASE IT THIS WAY: ROMANTIC RELATIONSHIPS, AS WE ALL KNOW,  
03:10PM 5 CAN BE COMPLICATED AT TIMES. THAT'S JUST HOW LIFE GOES.

03:10PM 6 DOES ANYONE HAVE ANY KNOWLEDGE OF ANY PARTICULAR  
03:10PM 7 COMPLEXITY, OR ALLEGED COMPLEXITY, IN THIS RELATIONSHIP BETWEEN  
03:10PM 8 MR. BALWANI AND MS. HOLMES?

03:10PM 9 PROSPECTIVE JUROR: I DON'T -- I JUST KNEW ABOUT  
03:10PM 10 THERE WAS A RELATIONSHIP AND I JUST KNOW THE AGE. SO I CAN  
03:10PM 11 ASSUME THERE WAS MAYBE SOMETHING. BUT, NO, I DON'T HAVE ANY  
03:10PM 12 DETAILS.

03:10PM 13 THE COURT: AND YOUR NUMBER WAS?

03:11PM 14 PROSPECTIVE JUROR: 131.

03:11PM 15 MR. COOPERSMITH: 131.

03:11PM 16 ANYBODY ELSE HAVE ANY OTHER INFORMATION THAT YOU WANT TO  
03:11PM 17 SHARE? AND IF IT'S SOMETHING MORE DETAILED, WE CAN DO THAT IN  
03:11PM 18 A PRIVATE SESSION OBVIOUSLY.

03:11PM 19 OKAY.

03:11PM 20 THE COURT: I SEE NO HANDS.

03:11PM 21 MR. COOPERSMITH: RIGHT.

03:11PM 22 THE COURT: ANY OTHER QUESTIONS FOR THE COLLECTIVE,  
03:11PM 23 MR. COOPERSMITH?

03:11PM 24 MR. COOPERSMITH: I DON'T HAVE ANY OTHER QUESTIONS  
03:11PM 25 OTHER THAN MAYBE FOR TWO JURORS.

03:11PM 1 THE COURT: ALL RIGHT.

03:11PM 2 MR. SCHENK.

03:11PM 3 MR. SCHENK: NO. THANK YOU, YOUR HONOR.

03:11PM 4 THE COURT: LET ME ASK, MR. COOPERSMITH, MR. SCHENK,  
03:11PM 5 SHOULD WE MAKE INQUIRY OF TWO JURORS AND ALLOW THE OTHERS TO  
03:11PM 6 GO, OR WOULD YOU LIKE THE BALANCE TO STAY? IS THERE ANY OTHER  
03:11PM 7 REASON TO KEEP THE BALANCE?

03:11PM 8 MR. COOPERSMITH: THERE'S NO REASON TO KEEP ANYONE  
03:11PM 9 OTHER THAN THE TWO, YES, YOUR HONOR.

03:11PM 10 THE COURT: 162 AND 161; IS THAT RIGHT?

03:11PM 11 MR. SCHENK: YOUR HONOR, MAY I JUST ASK ONE  
03:11PM 12 QUESTION?

03:11PM 13 THE COURT: YES, PLEASE.

03:12PM 14 MR. SCHENK: THE QUESTION FOR ALL OF YOU, YOU ALL  
03:12PM 15 EXPRESSED SOME KNOWLEDGE OF A ROMANTIC RELATIONSHIP BETWEEN  
03:12PM 16 MR. BALWANI AND MS. HOLMES.

03:12PM 17 AND AGAIN, WITHOUT REVEALING WHAT YOU KNOW ABOUT THE  
03:12PM 18 RELATIONSHIP OR ANY OF THE DETAILS, IS THERE ANYTHING ABOUT  
03:12PM 19 WHAT YOU KNOW THAT WOULD AFFECT YOUR ABILITY TO BE FAIR AND  
03:12PM 20 IMPARTIAL IN THIS TRIAL?

03:12PM 21 IF THERE IS ANYBODY WHO HAS A CONCERN THAT IT WOULD  
03:12PM 22 AFFECT THEIR ABILITY TO BE FAIR AND IMPARTIAL, WOULD YOU PLEASE  
03:12PM 23 RAISE YOUR HAND?

03:12PM 24 YOUR HONOR, I SEE NO HANDS.

03:12PM 25 THE COURT: OKAY. THANK YOU.

03:12PM 1 MR. SCHENK: THANK YOU.

03:12PM 2 THE COURT: ALL RIGHT. MAY I ASK ALL BUT 162 AND

03:12PM 3 161 TO LEAVE NOW?

03:12PM 4 MR. SCHENK: YES.

03:12PM 5 THE COURT: OKAY. MR. COOPERSMITH?

03:12PM 6 MR. COOPERSMITH: YES, YOUR HONOR.

03:12PM 7 THE COURT: SO 162 AND 161, IF YOU WOULD STAY FOR A

03:12PM 8 MOMENT.

03:12PM 9 THE REST OF YOU, YOU WILL BE NOTIFIED BY THE COURT AS TO

03:12PM 10 WHEN YOU SHOULD RETURN. THANK YOU VERY MUCH. THANK YOU FOR

03:13PM 11 YOUR PATIENCE.

03:13PM 12 THANK YOU. PLEASE BE SEATED.

03:13PM 13 (PROSPECTIVE JURORS 108, 125, 131, 134, 165, AND 179 OUT

03:13PM 14 AT 3:13 P.M.)

03:13PM 15 THE COURT: IS IT YOUR DESIRE, MR. COOPERSMITH, TO

03:13PM 16 HAVE A BRIEF CONVERSATION WITH THESE JURORS?

03:13PM 17 MR. COOPERSMITH: YES, YOUR HONOR.

03:13PM 18 THE COURT: SO LET'S TAKE A BREAK. WE'LL MEET IN

03:13PM 19 PRIVATE WITH JUROR 162 FIRST.

03:13PM 20 AND JUROR 161, IF YOU COULD BE PATIENT AND WAIT HERE, THIS

03:13PM 21 WON'T BE VERY LONG, AND THEN WE'LL TALK WITH YOU.

03:13PM 22 AND WE'LL NOW RETIRE TO A PRIVATE SPACE TO TALK.

03:14PM 23 MR. COOPERSMITH: YOUR HONOR, IS IT OKAY IF

03:14PM 24 MS. WALSH ACCOMPANIES US?

03:14PM 25 THE COURT: SURE.

(SIDE-BAR CONFERENCE ON THE RECORD.)

(PROSPECTIVE JUROR 162 IN.)

PROSPECTIVE JUROR: WHERE WOULD YOU GUYS LIKE ME?

MR. COOPERSMITH: I THINK WE'LL LEAVE THAT TO THE  
JUDGE.

THE COURT: HERE WE ARE. YOU CAN HAVE A SEAT IF YOU  
WOULD LIKE. SURE. GO RIGHT AHEAD.

OKAY. WE'RE ON THE RECORD OUTSIDE OF THE PRESENCE OF THE  
COURTROOM. WE'RE IN THE JURY DELIBERATION ROOM. COUNSEL ARE  
PRESENT, MR. SCHENK IS PRESENT, MR. LEACH IS PRESENT, AND  
MS. WALSH AND MR. COOPERSMITH.

JUROR NUMBER 162 IS PRESENT.

I BELIEVE THAT, MR. COOPERSMITH, YOU WANTED TO ASK A  
QUESTION?

MR. COOPERSMITH: YES. IS EVERYBODY COMFORTABLE  
WITH ME REMOVING MY MASK?

THE COURT: SURE. GO RIGHT AHEAD.

MR. COOPERSMITH: THANK YOU.

SIR, I APPRECIATE YOU COMING BACK HERE, AND AS THE JUDGE  
TOLD YOU, IT'S NOT BECAUSE YOU'RE IN ANY TROUBLE. WE'RE JUST  
TRYING TO GET AS FAIR A JURY AS POSSIBLY WE CAN AND THAT HASN'T  
TO DO WITH WHETHER YOU'RE FAIR, THAT HAS TO DO WITH THE CASE.  
SO THANKS FOR THAT AND PUTTING UP WITH US.

SO THE PARTICULAR ISSUE I WANT TO TALK TO YOU ABOUT IS IN  
YOUR QUESTIONNAIRE, AND I'M JUST LOOKING AT IT --



03:28PM 1 PROSPECTIVE JUROR: I WAS WONDERING WHY YOU GUYS  
03:28PM 2 DIDN'T SAY ANYTHING OUT THERE, BECAUSE I KNOW WHAT I WROTE AND  
03:28PM 3 I THOUGHT, THEY DIDN'T CALL MY NAME.

03:28PM 4 MR. COOPERSMITH: RIGHT. SO YOU ANTICIPATED IT?

03:28PM 5 PROSPECTIVE JUROR: RIGHT.

03:28PM 6 MR. COOPERSMITH: ON QUESTION 42, THE QUESTION WAS,  
03:28PM 7 HAVE YOU HEARD ANYTHING ABOUT A RELATIONSHIP BETWEEN MS. HOLMES  
03:28PM 8 AND MR. BALWANI?

03:28PM 9 AND YOU WROTE, "I READ THAT HE'S ACCUSED OF BEING VERY  
03:28PM 10 CONTROLLING OVER MS. HOLMES, THE RELATIONSHIP WAS ALSO SEXUAL  
03:28PM 11 IN NATURE."

03:28PM 12 RIGHT?

03:28PM 13 PROSPECTIVE JUROR: YES, AND I COMMEND YOU FOR BEING  
03:28PM 14 ABLE TO READ MY CHICKEN SCRATCH.

03:28PM 15 MR. COOPERSMITH: IT'S NOT BAD AT ALL.

03:28PM 16 SO I GUESS WHEN YOU SAY THAT "HE'S ACCUSED OF BEING VERY  
03:28PM 17 CONTROLLING," CAN YOU GIVE US AN IDEA WHAT THAT MEANS?

03:28PM 18 PROSPECTIVE JUROR: SO I READ IN THE PAPER SOMETHING  
03:28PM 19 TO THE FACT THAT HE CONTROLLED HER DIET AND WHAT SHE WORE, AND  
03:28PM 20 MAYBE CONTROLLED HER SOCIAL INTERACTIONS WITH HER PEERS OR  
03:28PM 21 OTHER PEOPLE, MAYBE TRYING TO, LIKE, SOCIALLY ISOLATE HER  
03:28PM 22 PERHAPS.

03:28PM 23 MR. COOPERSMITH: OKAY. ARE YOU AWARE OF ANY OTHER  
03:28PM 24 ALLEGATIONS THAT SHE MAY HAVE MADE ABOUT OTHER THINGS HE MAY  
03:28PM 25 HAVE DONE TO HER, OR NOT? ANYTHING ELSE COME TO MIND?

03:28PM 1 PROSPECTIVE JUROR: NO, NOT CRYSTAL CLEAR, NO.

03:28PM 2 MR. COOPERSMITH: AND JUST ABOUT HIM BEING  
03:28PM 3 CONTROLLING?

03:28PM 4 PROSPECTIVE JUROR: YEAH. I GUESS THE STORY I READ  
03:28PM 5 WAS MORE -- PAINTED HIM IN MORE OF A POOR LIGHT THAN HER.

03:28PM 6 MR. COOPERSMITH: RIGHT.

03:28PM 7 IS THERE ANYTHING ABOUT HAVING READ THAT MATERIAL OR  
03:28PM 8 ANYTHING IN YOUR BACKGROUND OR ANYTHING ELSE THAT MAKES YOU  
03:28PM 9 BELIEVE THOSE ALLEGATIONS, OR IS IT JUST YOU DON'T KNOW ONE WAY  
03:28PM 10 OR THE OTHER?

03:28PM 11 PROSPECTIVE JUROR: YEAH, I DON'T KNOW. SOMETIMES I  
03:28PM 12 READ IT IN THE PAPER AND SOMETIMES YOU CAN TAKE THAT WITH A  
03:28PM 13 GRAIN OF SALT.

03:28PM 14 MR. COOPERSMITH: FOR SURE.

03:28PM 15 AND WHEN YOU ARE SEATED AS A JUROR FOR SEVERAL MONTHS, I  
03:28PM 16 HATE TO SAY, YOU MAY BE LOOKING AT MR. BALWANI EVERY DAY THAT  
03:28PM 17 YOU ARE HERE IN COURT, WOULD YOU BE LOOKING AT HIM ANY  
03:28PM 18 DIFFERENTLY BECAUSE YOU WERE AWARE OF THIS ALLEGATION  
03:28PM 19 MS. HOLMES MADE?

03:28PM 20 PROSPECTIVE JUROR: I DON'T THINK I WOULD.

03:28PM 21 MR. COOPERSMITH: IT WOULDN'T AFFECT YOU ONE WAY OR  
03:28PM 22 THE OTHER?

03:28PM 23 PROSPECTIVE JUROR: I DON'T THINK IT WOULD.

03:28PM 24 THE COURT: DO YOU HAVE ANY OTHER QUESTIONS?

03:28PM 25 MR. COOPERSMITH: I DON'T HAVE ANY OTHER QUESTIONS.

03:28PM 1 MR. SCHENK: NOTHING. THANK YOU VERY MUCH.

03:28PM 2 THE COURT: CAN WE ALLOW HIM TO LEAVE THEN FOR THE

03:28PM 3 DAY?

03:28PM 4 MR. COOPERSMITH: YES, YOUR HONOR.

03:28PM 5 THE COURT: GREAT.

03:28PM 6 PROSPECTIVE JUROR: OKAY. GREAT.

03:28PM 7 MR. COOPERSMITH: THANK YOU, SIR.

03:28PM 8 PROSPECTIVE JUROR: ALL RIGHT. THANKS.

03:28PM 9 THE COURT: AND THEN WE'LL BRING IN THE OTHER --

03:28PM 10 WE'LL ASK HIM TO GO GET THE OTHER.

03:28PM 11 MR. COOPERSMITH: THANK YOU.

03:28PM 12 (PAUSE IN PROCEEDINGS.)

03:28PM 13 (PROSPECTIVE JUROR 161 IN.)

03:28PM 14 THE COURT: PLEASE HAVE A SEAT. THANK YOU.

03:28PM 15 AND WE ARE ON THE RECORD IN A PRIVATE SESSION WITH

03:28PM 16 MR. SCHENK, MR. LEACH, MS. WALSH, AND MR. COOPERSMITH WITH

03:28PM 17 JUROR NUMBER 161.

03:28PM 18 THANK YOU FOR JOINING US HERE. AS YOU SAW WITH THE

03:28PM 19 PREVIOUS JUROR, THIS IS NOT GOING TO TAKE LONG.

03:28PM 20 LET ME INVITE MR. COOPERSMITH TO GO FIRST.

03:28PM 21 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

03:28PM 22 ARE YOU COMFORTABLE IF I TAKE OFF MY MASK?

03:28PM 23 PROSPECTIVE JUROR: (NODS HEAD UP AND DOWN.)

03:28PM 24 MR. COOPERSMITH: THANK YOU. SO WHAT I WANT TO TELL

03:28PM 25 YOU IS THANK YOU FOR BEING HERE AND PUTTING UP WITH US, AND I

03:28PM 1 KNOW THIS IS NOT IN YOUR ORDINARY EXPERIENCE NECESSARILY.

03:28PM 2 YOU'RE NOT HERE BECAUSE YOU'RE IN ANY TROUBLE. THAT'S NOT  
03:28PM 3 WHAT IS GOING ON HERE.

03:28PM 4 WE'RE JUST TRYING TO UNDERSTAND WHAT PEOPLE THINK AND  
03:28PM 5 BELIEVE, AND THERE'S NO WRONG ANSWERS. AS I SAID BEFORE, IT'S  
03:28PM 6 JUST A MATTER OF TRYING TO GET THE FAIREST JURY WE CAN GET.

03:28PM 7 AND WHAT I WAS INTERESTED IN, AND I WON'T ASK YOU THINGS  
03:28PM 8 THAT I ALREADY ASKED YOU OUT THERE IN THE COURTROOM, BUT THIS  
03:28PM 9 IS QUESTION 42 IN YOUR QUESTIONNAIRE, AND I'M JUST LOOKING AT  
03:28PM 10 YOUR QUESTIONNAIRE, AND THE QUESTION WAS: HAVE YOU HEARD  
03:28PM 11 ANYTHING ABOUT A RELATIONSHIP BETWEEN MS. HOLMES AND  
03:28PM 12 MR. BALWANI?

03:28PM 13 AND YOU WROTE THAT YOU HEARD ON THE NEWS THAT THEY WERE IN  
03:28PM 14 A RELATIONSHIP AND HAVE NOT THOUGHT OF MY OPINION AND NOT SURE  
03:28PM 15 ABOUT WHAT I THINK.

03:28PM 16 PROSPECTIVE JUROR: (NODS HEAD UP AND DOWN.)

03:28PM 17 MR. COOPERSMITH: AND I GUESS THE FIRST QUESTION I  
03:28PM 18 HAVE FOR YOU, CAN YOU GIVE US A LITTLE MORE DETAIL ABOUT WHAT  
03:28PM 19 EXACTLY YOU HEARD ABOUT THE RELATIONSHIP ON THE NEWS?

03:28PM 20 PROSPECTIVE JUROR: YEAH, I THINK IT WAS A ONE  
03:28PM 21 LINER, THE NEWS I WAS READING SAYING THAT THEY WERE IN A  
03:28PM 22 RELATIONSHIP AND -- MY MEMORY IS BAD, BUT STILL I THINK I HEARD  
03:28PM 23 THAT IT WAS AN ABUSIVE RELATIONSHIP OR -- "ABUSIVE" WAS USED.  
03:28PM 24 I DON'T KNOW THE EXACT WORDS EXACTLY --

03:28PM 25 MR. COOPERSMITH: OKAY.

03:28PM 1 PROSPECTIVE JUROR: -- OR LINE. BUT THAT'S WHAT I  
03:28PM 2 HEARD. I THINK I HEARD.

03:28PM 3 MR. COOPERSMITH: AND DO YOU KNOW ANYTHING ABOUT HOW  
03:28PM 4 THAT -- WHAT THE ABUSIVE RELATIONSHIP WAS EXACTLY?

03:28PM 5 PROSPECTIVE JUROR: NO, NO.

03:28PM 6 MR. COOPERSMITH: WHO RAISED IT OR WHO WAS ACCUSING  
03:28PM 7 WHO OR ANYTHING LIKE THAT?

03:28PM 8 PROSPECTIVE JUROR: IT WAS THE NEWS PERSON WAS  
03:28PM 9 TALKING, AND I WAS COOKING AND SHE WAS TALKING. BUT I DON'T  
03:28PM 10 KNOW WHY IT STUCK IN MY HEAD, BUT, YEAH, I THINK THAT'S WHAT I  
03:28PM 11 HEARD.

03:28PM 12 MR. COOPERSMITH: OKAY. THANK YOU.

03:28PM 13 AND WHEN YOU HEARD THAT, IT SOUNDS LIKE IT WAS RELATIVELY  
03:28PM 14 BRIEF, DID YOU ASSUME ANYTHING ABOUT MR. BALWANI BASED ON WHAT  
03:28PM 15 YOU HEARD ON THE NEWS?

03:28PM 16 PROSPECTIVE JUROR: NO. LIKE I SAID, IT WAS JUST --  
03:28PM 17 IT WAS IN PASSING. I WAS DOING SOMETHING AND SHE JUST READ THE  
03:28PM 18 THING, AND YEAH, I DIDN'T THINK ABOUT IT.

03:28PM 19 MR. COOPERSMITH: OKAY. AND IF THE ALLEGATIONS OF  
03:28PM 20 ABUSE OR ANYTHING COME UP, DO YOU HAVE ANY REASON, ANYTHING  
03:28PM 21 ABOUT YOU OR YOUR BACKGROUND THAT WOULD MAKE YOU MORE INCLINED  
03:28PM 22 TO BELIEVE THOSE THINGS?

03:28PM 23 PROSPECTIVE JUROR: I'M NOT SURE.

03:28PM 24 MR. COOPERSMITH: AND IF I COULD ASK, WHAT IS THE  
03:28PM 25 HESITATION?

03:28PM 1 PROSPECTIVE JUROR: I HONESTLY DON'T KNOW. IT COULD  
03:28PM 2 BE TRUE, IT COULD BE FALSE. BUT I'LL TAKE A PAUSE AT THE WORD  
03:28PM 3 "ABUSE" AND, YOU KNOW, IT WON'T BE LIKE, OH, A PERSON COULD BE  
03:28PM 4 INNOCENT. IT WILL STAY IN MY MIND JUST FOR THAT.

03:28PM 5 MR. COOPERSMITH: OKAY. AND WHEN YOU SAY IT WOULD  
03:28PM 6 STAY IN YOUR MIND, IF YOU WERE AWARE OF SOMEONE -- ONE PERSON  
03:28PM 7 ACCUSING ANOTHER PERSON OF ABUSE, WOULD YOU BE MORE LIKELY TO  
03:28PM 8 THINK THAT THAT HAPPENED?

03:28PM 9 PROSPECTIVE JUROR: YEAH, I WOULD LOOK AT IT AS A  
03:28PM 10 POSSIBILITY.

03:28PM 11 MR. COOPERSMITH: OKAY. AND WOULD YOU BE MORE  
03:28PM 12 LIKELY TO THINK THAT THAT HAPPENED IF IT WAS A WOMAN ACCUSING A  
03:28PM 13 MAN OF THAT, OR DOES IT NOT MATTER TO YOU HOW THAT WOULD GO?

03:28PM 14 PROSPECTIVE JUROR: I WOULD LIKE TO SAY THAT I  
03:28PM 15 WOULDN'T JUST PUT A MAN OR A WOMAN, BUT I WOULD BE STUCK AT THE  
03:28PM 16 WORD "ABUSE."

03:28PM 17 MR. COOPERSMITH: OKAY. AND, YOU KNOW, I ASKED YOU  
03:28PM 18 IN COURT BEFORE ABOUT A RESPONSE TO ANOTHER QUESTION, AND I'M  
03:28PM 19 JUST WONDERING -- AND PARDON ME -- BECAUSE IS THERE ANYTHING  
03:28PM 20 ABOUT, LIKE, YOUR EXPERIENCE OR HERITAGE OR BACKGROUND THAT  
03:28PM 21 MAKES YOU BELIEVE ANYTHING IN PARTICULAR OF MR. BALWANI WHEN IT  
03:28PM 22 COMES TO THE ISSUE OF ABUSE?

03:28PM 23 PROSPECTIVE JUROR: I DON'T THINK SO.

03:28PM 24 MR. COOPERSMITH: OKAY. ANYTHING ELSE THAT YOU  
03:28PM 25 THINK WE SHOULD KNOW? AND AGAIN, NO WRONG ANSWERS, JUST WITH

03:28PM 1 THE GOAL OF BEING AS FAIR AS POSSIBLE, BECAUSE OBVIOUSLY WHAT  
03:28PM 2 WE'RE LOOKING FOR IS PEOPLE WHO COME INTO THIS WITH A BLANK  
03:28PM 3 SLATE.

03:28PM 4 PROSPECTIVE JUROR: I UNDERSTAND.

03:28PM 5 MR. COOPERSMITH: AND IT DOESN'T MEAN THAT YOU'RE A  
03:28PM 6 GOOD OR BAD PERSON.

03:28PM 7 PROSPECTIVE JUROR: I UNDERSTAND.

03:28PM 8 MR. COOPERSMITH: IT JUST MEANS YOU MIGHT OR MIGHT  
03:28PM 9 NOT BE THE RIGHT JUROR FOR THE CASE.

03:28PM 10 PROSPECTIVE JUROR: I UNDERSTAND.

03:28PM 11 MR. COOPERSMITH: AND ANYTHING ELSE YOU THINK WE  
03:28PM 12 SHOULD KNOW ABOUT THIS?

03:28PM 13 PROSPECTIVE JUROR: NO.

03:28PM 14 MR. COOPERSMITH: THANK YOU.

03:28PM 15 PROSPECTIVE JUROR: I WAS HONEST.

03:28PM 16 MR. COOPERSMITH: I APPRECIATE THAT.

03:28PM 17 MR. SCHENK: NO, THANK YOU.

03:28PM 18 THE COURT: I'D LIKE TO FOLLOW UP ON YOUR QUESTION  
03:28PM 19 AND ANSWER TO 56, AND I KNOW I PUT THAT IN FRONT OF YOU. MY  
03:28PM 20 SENSE IS THAT YOU WANTED A LITTLE MORE TIME TO PERHAPS DISCUSS  
03:28PM 21 YOUR RESPONSE.

03:28PM 22 AND THIS IS A QUESTION -- MAY I TELL YOU, THE REASON THAT  
03:28PM 23 THIS QUESTION IS HERE IS BECAUSE THERE WAS SOME CONCERN -- AS I  
03:28PM 24 MENTIONED THIS MORNING, PEOPLE COME IN OUR COURTS, AND THEY  
03:28PM 25 COME FROM ALL DIFFERENT BACKGROUNDS.

03:28PM 1 PROSPECTIVE JUROR: UH-HUH.

03:28PM 2 THE COURT: AND THE CONCERN IS WHETHER OR NOT,  
03:28PM 3 BECAUSE MR. BALWANI MIGHT BE FROM A DIFFERENT CULTURE, A  
03:28PM 4 DIFFERENT RACE, A DIFFERENT BACKGROUND, HAVE DIFFERENT  
03:28PM 5 EXPERIENCES FROM OTHER PEOPLE, THIS QUESTION IS DESIGNED TO PUT  
03:28PM 6 THAT OUT IN THE FRONT.

03:28PM 7 AND MR. BALWANI AND OTHERS, THERE MAY BE OTHER WITNESSES,  
03:28PM 8 BUT CERTAINLY WE KNOW MR. BALWANI IS FROM SOUTH ASIAN  
03:28PM 9 BACKGROUND AND CULTURE.

03:28PM 10 AND THIS QUESTION WAS PREPARED TO HOPEFULLY ALLOW SOMEONE  
03:28PM 11 TO SHARE THEIR EXPERIENCES, THEIR THOUGHTS, THEIR BELIEFS,  
03:28PM 12 WHETHER OR NOT THAT FACT ALONE WOULD CAUSE THEM SOME DIFFICULTY  
03:28PM 13 AS THEY WERE TO -- AS THEY SIT AS A JUROR ON THE CASE  
03:28PM 14 RECOGNIZING THAT MR. BALWANI -- RECOGNIZING HIS BACKGROUND.

03:28PM 15 PROSPECTIVE JUROR: YEAH. IF THIS, IF THIS PART  
03:28PM 16 WOULDN'T HAVE BEEN THERE, I MIGHT -- I DON'T KNOW. JUST INDIA  
03:28PM 17 AND PAKISTAN JUST GAVE ME A PAUSE AND I'M LIKE, OKAY, HOW  
03:28PM 18 SHOULD I ANSWER? LIKE, WHAT IS IT THAT -- SO THAT'S WHY I SAY  
03:28PM 19 I'M NOT SURE.

03:28PM 20 THE COURT: YES.

03:28PM 21 PROSPECTIVE JUROR: SINCE IT WAS PUT SO  
03:28PM 22 SPECIFICALLY.

03:28PM 23 THE COURT: AND PARDON ME FOR INTERRUPTING YOU, BUT  
03:28PM 24 YOU'VE SAID SOMETHING THAT I THINK IS COMMON KNOWLEDGE. INDIAN  
03:28PM 25 AND PAKISTAN ARE COUNTRIES THAT DO NOT GET ALONG. THEY SHARE A



03:28PM 1 BORDER AND THERE'S TENSION BETWEEN THOSE COUNTRIES.

03:28PM 2 PROSPECTIVE JUROR: UH-HUH.

03:28PM 3 THE COURT: SOMETIMES THERE'S TENSION BETWEEN  
03:28PM 4 RESIDENTS OF THOSE COUNTRIES, BOTH THERE AND IN DIFFERENT  
03:28PM 5 COUNTRIES, LIKE WE ENJOY A DIVERSITY OF CULTURES HERE. IN THIS  
03:28PM 6 VALLEY, YOU'RE PROBABLY AWARE, WE HAVE MANY, MANY WONDERFUL  
03:28PM 7 PEOPLE FROM SOUTH ASIA HERE.

03:28PM 8 AND THIS QUESTION WAS DESIGNED, I THINK, TO INQUIRE ABOUT  
03:28PM 9 THAT. YOU'VE TOLD US AND I SAID WE KNOW ABOUT THE HISTORY OF  
03:28PM 10 INDIAN AND PAKISTAN.

03:28PM 11 AND I BELIEVE THIS QUESTION WAS DESIGNED TO SEE, IS THERE  
03:28PM 12 ANYONE WHO MIGHT HAVE SOME FEELINGS ABOUT THAT TENSION THAT IF  
03:28PM 13 SOMEONE IS FROM PAKISTAN, SOMEONE IS FROM INDIA, THEY MIGHT  
03:28PM 14 JUDGE MR. BALWANI IN A DIFFERENT WAY JUST BECAUSE OF HIS  
03:28PM 15 NATIONALITY?

03:28PM 16 PROSPECTIVE JUROR: OH, I DON'T KNOW HIS  
03:28PM 17 NATIONALITY.

03:28PM 18 THE COURT: OKAY.

03:28PM 19 PROSPECTIVE JUROR: BUT, YEAH, HONESTLY, I DIDN'T  
03:28PM 20 KNOW HOW TO ANSWER THAT AND THAT'S WHY I SAID I'M NOT SURE HOW  
03:28PM 21 TO ANSWER.

03:28PM 22 BUT TO GO BACK TO YOURS, I DON'T KNOW WHAT HIS COUNTRY OF  
03:28PM 23 ORIGIN IS.

03:28PM 24 THE COURT: IF YOU WERE TO LEARN OF HIS COUNTRY OF  
03:28PM 25 ORIGIN, DO YOU THINK THAT WOULD CAUSE YOU SOME DIFFICULTY --

03:28PM 1 PROSPECTIVE JUROR: NO.

03:28PM 2 THE COURT: -- IN JUDGING THE FACTS OF THIS CASE OR  
03:28PM 3 JUDGING HIM?

03:28PM 4 PROSPECTIVE JUROR: NO.

03:28PM 5 THE COURT: IF YOU WERE TO LEARN OF HIS BACKGROUND,  
03:28PM 6 DO YOU THINK THAT THAT WOULD, IF IT WAS A CERTAIN COUNTRY,  
03:28PM 7 WOULD THAT JUST IN AND OF ITSELF CAUSE YOU NOT TO LIKE HIM OR  
03:28PM 8 NOT JUDGE HIM FAIRLY?

03:28PM 9 PROSPECTIVE JUROR: NO. I DON'T THINK SO.

03:28PM 10 THE COURT: OKAY. THANK YOU.

03:28PM 11 AND THIS IS DIFFICULT TO TALK ABOUT, ABOUT RELATIONSHIPS  
03:28PM 12 AND THE WAY PEOPLE LOOK AT THINGS. I RECOGNIZE THAT.

03:28PM 13 PROSPECTIVE JUROR: IT'S FINE. I DIDN'T LOOK AT  
03:28PM 14 INDIA AGAINST PAKISTAN, IT'S JUST SOUTHEAST ASIA, AND I TOOK A  
03:28PM 15 PAUSE. BUT NOTHING AGAINST ANYONE.

03:28PM 16 THE COURT: OKAY.

03:28PM 17 MR. COOPERSMITH: AND COULD I ASK, WHEN YOU SAY YOU  
03:28PM 18 TOOK A PAUSE WHEN YOU SAW SOUTHEAST ASIAN AND PAKISTAN, WHY DID  
03:28PM 19 YOU TAKE A PAUSE?

03:28PM 20 PROSPECTIVE JUROR: I JUST THOUGHT, WHY SO SPECIFIC?  
03:28PM 21 AND I DIDN'T UNDERSTAND THAT. YOU COULD HAVE SAID SPAIN, OR I  
03:28PM 22 DON'T KNOW, BUT WHY SO SPECIFIC?

03:28PM 23 MR. COOPERSMITH: OKAY.

03:28PM 24 THE COURT: MR. SCHENK?

03:28PM 25 MR. SCHENK: NOTHING FURTHER.

03:28PM 1 THE COURT: MR. COOPERSMITH?

03:28PM 2 MR. COOPERSMITH: NO, YOUR HONOR.

03:28PM 3 THE COURT: ANYTHING ELSE?

03:28PM 4 PROSPECTIVE JUROR: I JUST WANT TO GET OUT.

03:28PM 5 THE COURT: NOW IS THE TIME. THANK YOU SO MUCH.

03:28PM 6 (LAUGHTER.)

03:28PM 7 THE COURT: YOU'LL BE NOTIFIED WHETHER OR NOT YOU

03:28PM 8 NEED TO COME BACK.

03:28PM 9 PROSPECTIVE JUROR: THANK YOU.

03:28PM 10 THE COURT: ANYTHING ANYONE WANTS TO PUT ON THE

03:28PM 11 RECORD ABOUT THIS?

03:28PM 12 MR. SCHENK: NO, YOUR HONOR.

03:28PM 13 THE COURT: OKAY. THANK YOU.

03:28PM 14 (END OF DISCUSSION AT SIDE-BAR.)

03:28PM 15 (NO PROSPECTIVE JURORS PRESENT.)

03:29PM 16 THE COURT: WE'RE BACK ON THE RECORD. ALL OF OUR

03:29PM 17 PANEL MEMBERS HAVE LEFT. ALL COUNSEL ARE PRESENT. MR. BALWANI

03:29PM 18 IS PRESENT.

03:29PM 19 COUNSEL, ANYTHING ELSE YOU WOULD LIKE TO TAKE UP TODAY?

03:29PM 20 MR. COOPERSMITH: I DON'T THINK SO.

03:29PM 21 THE ONLY THING I HAVE REMAINING FROM TODAY AND YESTERDAY

03:29PM 22 IS JUST SOME ADDITIONAL DISCUSSION ABOUT SOME FOR CAUSE STRIKES

03:29PM 23 AND POSSIBLY HARDSHIP ISSUES.

03:29PM 24 BUT WE DON'T HAVE TO DO THAT THIS AFTERNOON. OBVIOUSLY IT

03:29PM 25 CAN BE WHENEVER THE COURT PREFERS.

03:29PM 1 THE COURT: OKAY. WE'RE SCHEDULED TO MEET TOMORROW  
03:29PM 2 MORNING, I BELIEVE, TO TALK ABOUT A MOTION, I THINK?

03:29PM 3 MR. SCHENK: YOUR HONOR, I THINK THERE ARE 49 JURORS  
03:29PM 4 REMAINING.

03:29PM 5 I DON'T THINK THERE ARE PENDING FOR CAUSE OR HARDSHIP  
03:29PM 6 CHALLENGES, SO I THINK THE COURT, TO THE EXTENT THAT THERE  
03:30PM 7 AREN'T ANY, CAN AND SHOULD DENY THEM, AND WE HAVE ENOUGH. WE  
03:30PM 8 NEED 40 --

03:30PM 9 THE COURT: RIGHT.

03:30PM 10 MR. SCHENK: -- IN ORDER TO SELECT A JURY.

03:30PM 11 SO WE COULD PASS THE SHEET TOMORROW MORNING. AND WE DON'T  
03:30PM 12 NEED THE THIRD PANEL, THE THIRD PANEL THAT I THINK MONDAY WOULD  
03:30PM 13 BE TOLD TO COME IN ON TUESDAY IS MY RECOLLECTION.

03:30PM 14 SO I THINK WE HAVE SUFFICIENT JURORS IN ORDER TO GET OUR  
03:30PM 15 SEATED JURY.

03:30PM 16 THE COURT: SHOULD WE -- THANK YOU.

03:30PM 17 MR. COOPERSMITH, LET ME TELL YOU -- WHILE YOU'RE LOOKING  
03:30PM 18 THERE, I WANT TO TELL YOU A NOTE WAS PASSED TO ME THAT SUGGESTS  
03:30PM 19 THAT JUROR NUMBER 112 IS MOVING OUT OF STATE IN APRIL WAS THE  
03:30PM 20 MESSAGE. I THINK THIS WAS PASSED FROM THE -- TO OUR JURY  
03:30PM 21 COMMISSIONER.

03:30PM 22 MR. COOPERSMITH: 112, YOUR HONOR?

03:30PM 23 THE COURT: CORRECT.

03:30PM 24 MR. SCHENK: YOUR HONOR, I BELIEVE WE HAVE DISCUSSED  
03:30PM 25 THIS MONDAY OR TUESDAY OF THIS WEEK. THIS WAS THE JUROR ON THE

03:30PM 1 QUESTIONNAIRE THAT WROTE THAT THE JUROR EXPECTED TO MOVE OUT OF  
03:30PM 2 THE BAY AREA AFTER THE JOB, AND MAYBE THE INFORMATION  
03:31PM 3 CRYSTALLIZED.

03:31PM 4 THE COURT: THAT WAS MY SENSE. IN LIGHT OF THIS, MY  
03:31PM 5 SENSE WAS TO STRIKE THE JUROR FOR HARDSHIP.

03:31PM 6 MR. COOPERSMITH: AND WE DON'T HAVE ANY OBJECTION.

03:31PM 7 THE COURT: OKAY. THANK YOU.

03:31PM 8 MR. COOPERSMITH: MR. SCHENK MAY BE RIGHT THAT WE'LL  
03:31PM 9 HAVE ENOUGH JURORS TO GET TO THE PASSING OF THE SHEET FOR  
03:31PM 10 PEREMPTORY CHALLENGES, BUT WE DO HAVE TO KNOW WHO IS IN THAT  
03:31PM 11 POOL, AND SO WE DO HAVE TO TAKE UP -- WE DON'T HAVE A LOT.

03:31PM 12 I THINK WE HAVE FIVE JURORS THAT -- APPROXIMATELY, I  
03:31PM 13 THINK -- BASED ON THE NOTES NOW THAT I HAVE TO STRIKE FOR --  
03:31PM 14 MOVE TO STRIKE FOR CAUSE, AND THEN WE HAVE THREE ADDITIONAL  
03:31PM 15 HARDSHIP ISSUES TO DISCUSS, AND I GUESS IF EVERY SINGLE ONE OF  
03:31PM 16 THOSE LEFT, WE STILL MIGHT HAVE ENOUGH, SO OBVIOUSLY THAT WOULD  
03:31PM 17 BE FINE.

03:31PM 18 THE COURT: WOULD YOU LIKE TO DISCUSS THOSE NOW? DO  
03:31PM 19 YOU WANT TO TAKE THOSE UP TOMORROW MORNING? WHAT ARE YOUR  
03:32PM 20 THOUGHTS?

03:32PM 21 MR. SCHENK: WE'D DEFER TO THE COURT. WE'RE  
03:32PM 22 PREPARED TO DO IT NOW, BUT IF THE COURT WOULD PREFER TO DO IT  
03:32PM 23 TOMORROW MORNING WITH THE MOTION, THAT WOULD BE FINE.

03:32PM 24 THE COURT: SURE.

03:32PM 25 MR. COOPERSMITH: SO JUST TO BE CLEAR, WE CAN DO IT

03:32PM 1 NOW IF THE COURT WANTS TO DO THAT, OR WE CAN DO IT TOMORROW  
03:32PM 2 MORNING.

03:32PM 3 THE COURT: SURE.

03:32PM 4 MR. COOPERSMITH: BUT WE HAVE CERTAIN FOR CAUSE  
03:32PM 5 STRIKES FROM TODAY, OR AT LEAST ARGUMENTS ABOUT THAT, AND THEN  
03:32PM 6 WE HAVE A SOMEWHAT LONGER LIST FROM YESTERDAY.

03:32PM 7 THE COURT: RIGHT.

03:32PM 8 MR. COOPERSMITH: SO THAT'S THE ISSUE.

03:32PM 9 THE COURT: AND THAT WAS SOMETHING THAT I PROBABLY  
03:32PM 10 UNARTFULLY RAISED THIS MORNING.

03:32PM 11 WHAT DO WE DO IF WE'RE ABLE TO ACCOMPLISH A UNIVERSE OF  
03:32PM 12 JURORS TODAY, JUST WITH TODAY'S POOL, WHAT WOULD WE DO WITH  
03:32PM 13 THOSE FROM YESTERDAY? WOULD WE -- I THINK THERE WAS A HOLDOVER  
03:32PM 14 GROUP OF THOSE, IF I'M NOT MISTAKEN, THAT WERE CHALLENGED FOR  
03:32PM 15 CAUSE OR HARDSHIP.

03:33PM 16 MR. COOPERSMITH: RIGHT. THERE WERE SOME HARDSHIP  
03:33PM 17 ISSUES AND FOR CAUSE, AND THEN THE OTHER QUESTION ABOUT THE  
03:33PM 18 PANEL FROM DAY ONE WAS THAT WE DIDN'T DO WHAT WE DID TODAY  
03:33PM 19 WHERE THERE WERE PEOPLE WHO KNEW ABOUT THE ABUSIVE RELATIONSHIP  
03:33PM 20 ALLEGATIONS THAT WE DIDN'T HAVE A CHANCE TO --

03:33PM 21 THE COURT: OH, NO, THAT'S WHAT I'M TALKING ABOUT.  
03:33PM 22 THERE'S THAT GROUP. I CAN'T REMEMBER THE NUMBER OF THOSE.

03:33PM 23 MR. COOPERSMITH: RIGHT.

03:33PM 24 THE COURT: SO THE QUESTION IS, ARE YOU COMFORTABLE,  
03:33PM 25 ASSUMING WE GO THROUGH THE CHALLENGE PROCESS TODAY, ARE YOU

03:33PM 1 COMFORTABLE USING WHAT WE HAVE TODAY, OR DO YOU WANT TO INCLUDE  
03:33PM 2 THOSE FROM YESTERDAY AS WELL? WE'LL HAVE TO LOOK AT THAT.

03:33PM 3 MR. SCHENK: YEAH. I DON'T THINK WE HAVE ENOUGH. I  
03:33PM 4 THINK WE ONLY HAVE 28 -- I'M SORRY --

03:33PM 5 THE COURT: TODAY?

03:33PM 6 MR. SCHENK: -- 27 REMAINING TODAY. WITH STRIKING  
03:33PM 7 112 JUST NOW, I THINK THERE'S 27 LEFT TODAY. WE NEED 40.

03:33PM 8 THE COURT: RIGHT.

03:33PM 9 MR. SCHENK: SO WE NEED BOTH PANELS.

03:33PM 10 MR. COOPERSMITH: RIGHT, YOUR HONOR. AND THERE  
03:33PM 11 ARE -- I'M NOT COMFORTABLE ON BEHALF OF MR. BALWANI TO --  
03:34PM 12 UNLESS THE COURT WERE TO STRIKE ALL OF THE PEOPLE WHO KNEW  
03:34PM 13 ABOUT THE ABUSIVE RELATIONSHIP ISSUE BASED ON THEIR  
03:34PM 14 QUESTIONNAIRES, YOU KNOW, I WOULDN'T BE COMFORTABLE GOING  
03:34PM 15 FORWARD WITHOUT HAVING A CHANCE, LIKE WE JUST DID WITH TWO  
03:34PM 16 PEOPLE, TO QUESTION THEM ABOUT THAT.

03:34PM 17 THE COURT: WELL, OKAY. SO LET ME ASK, CAN WE -- DO  
03:34PM 18 YOU HAVE HARDSHIPS CAUSE FOR THIS PANEL, TODAY'S PANEL THAT YOU  
03:34PM 19 WOULD LIKE TO DISCUSS? CAN WE DO THAT NOW?

03:34PM 20 MR. COOPERSMITH: YES, YOUR HONOR.

03:34PM 21 THE COURT: ALL RIGHT. WELL, LET'S DO THAT NOW AND  
03:34PM 22 SEE WHERE THAT TAKES US.

03:34PM 23 MR. COOPERSMITH: OKAY. THANK YOU, YOUR HONOR.

03:34PM 24 SO LET ME TAKE UP HARDSHIPS FIRST.

03:34PM 25 THE COURT: OKAY.

03:34PM 1 MR. COOPERSMITH: THERE WERE THREE JURORS. THE  
03:34PM 2 FIRST WAS 126, AND THE HARDSHIP ISSUE SHE EXPRESSED WAS THAT  
03:34PM 3 SHE WAS A CHIROPRACTOR AND THERE WAS SOME CONTINUITY OF CARE  
03:34PM 4 ISSUES AND SHE WAS CONCERNED ABOUT HER PATIENTS AND HOW THAT  
03:34PM 5 WOULD WORK OUT.

03:35PM 6 THAT'S ONE OF THEM.

03:35PM 7 THE OTHER ONE WAS JUROR 181. THAT JUROR TALKED ABOUT  
03:35PM 8 HAVING LOWER BACK PAIN AND HIS LEGS GO NUMB AND IT MIGHT BE  
03:35PM 9 DIFFICULT TO SIT AS A JUROR BECAUSE OF THAT. THAT'S 181.

03:35PM 10 YEAH, 181.

03:35PM 11 AND THEN IN ADDITION THERE WAS JUROR 119. THE ONLY ISSUE  
03:35PM 12 SHE RAISED WAS THAT SHE WAS PREGNANT. SHE SAID THAT AT THE END  
03:35PM 13 OF THE ESTIMATED TRIAL TIME, SHE WOULD BE 31 WEEKS PREGNANT,  
03:35PM 14 WHICH WOULDN'T CAUSE ANY ISSUES UNLESS HER BABY WAS PREMATURE,  
03:35PM 15 AND WE CERTAINLY HOPE THAT'S NOT THE CASE.

03:35PM 16 BUT OBVIOUSLY IT'S ONLY AN ESTIMATE. WE DON'T KNOW HOW  
03:36PM 17 LONG THE TRIAL WILL GO AND WE DON'T KNOW WHEN WE WILL BE IN THE  
03:36PM 18 DEFENSE CASE. SO THAT WAS THE ISSUE WITH 119.

03:36PM 19 THOSE WERE THE THREE HARDSHIP ISSUES FROM THIS PANEL  
03:36PM 20 TODAY.

03:36PM 21 THE COURT: OKAY. SURE.

03:36PM 22 MR. SCHENK.

03:36PM 23 MR. SCHENK: SURE. WHY DON'T I TAKE THEM IN  
03:36PM 24 NUMERICAL ORDER, SO LET'S START WITH 119.

03:36PM 25 I DID NOT GET THE IMPRESSION SHE WAS ASKING TO BE



03:36PM 1 RELIEVED. SHE TOLD US, MY RECOLLECTION IS, THAT SHE SENT AN  
03:36PM 2 EMAIL OR A NOTE TO HER DOCTOR AND HAD NOT HEARD BACK FROM HER  
03:36PM 3 DOCTOR.

03:36PM 4 THE ACCOMMODATION SHE ASKED FOR WAS BREAKS FOR BATHROOM  
03:36PM 5 TRIPS, AND WE CERTAINLY CAN ACCOMMODATE THAT.

03:36PM 6 I DON'T THINK THAT IT'S NECESSARY TO EXCUSE HER FOR  
03:36PM 7 HARDSHIP AT THIS TIME, ALTHOUGH I SUPPOSE WE HAVE TO  
03:36PM 8 ACKNOWLEDGE THAT THERE'S A CHANCE THAT WE WOULD NEED TO REPLACE  
03:36PM 9 HER WITH AN ALTERNATE LATE IN THE TRIAL IF THE BABY CAME EARLY.

03:36PM 10 BUT I DON'T THINK WE NEED TO EXCUSE HER FOR HARDSHIP AT  
03:36PM 11 THIS POINT.

03:36PM 12 THE SECOND JUROR THAT MR. COOPERSMITH REFERENCED WAS 126.  
03:37PM 13 SHE DID EXPRESS SOME CONCERNS REGARDING COVERAGE FOR HER  
03:37PM 14 PATIENTS, THOUGH THERE WERE TWO ADDITIONAL PROVIDERS WHO COULD  
03:37PM 15 SHARE SOME OF THE LOAD.

03:37PM 16 SHE ALSO NOTED THAT ON TWO OF THE WORK DAYS WE WOULD NOT  
03:37PM 17 BE IN SESSION AND SHE COULD SEE PATIENTS ON THOSE OCCASIONS,  
03:37PM 18 AND WHILE THERE IS A TWO WEEK WAITING LIST, IT DOES SEEM THAT  
03:37PM 19 IT'S STILL POSSIBLE FOR HER TO SEE PATIENTS.

03:37PM 20 SO I DON'T THINK IT'S NECESSARY TO EXCUSE 126.

03:37PM 21 AND THEN 181 DID NOT ASK TO BE EXCUSED. MY NOTES FOR 181  
03:37PM 22 ACTUALLY INDICATE HIM SAYING THAT HE WAS NOT REALLY ASKING TO  
03:37PM 23 BE EXCUSED. HE WOULD BE FINE AS LONG AS HE HAD THE ABILITY TO  
03:37PM 24 MOVE AROUND AS NEEDED, AND I THINK THE COURT HAS NOTED THE  
03:37PM 25 ABILITY TO ACCOMMODATE THAT.

03:37PM 1 SO MY NOTES EXPLICITLY SAY HE DID NOT ASK TO BE EXCUSED  
03:38PM 2 FOR THAT HARDSHIP.

03:38PM 3 THE COURT: THAT'S MY RECOLLECTION ABOUT 181, JUST  
03:38PM 4 TO GO IN REVERSE ORDER. I THINK I ASKED HIM ABOUT WHETHER OR  
03:38PM 5 NOT WE COULD -- HIS CONDITION COULD BE MITIGATED BY PILLOWS AND  
03:38PM 6 THAT TYPE OF THING, AND I RECALL HIM ANSWERING IN THE  
03:38PM 7 AFFIRMATIVE.

03:38PM 8 AND I RECALL I EXPLAINED TO HIM HOW WE ALLOWED JURORS IN  
03:38PM 9 THE PAST TO STAND OUTSIDE AND STRETCH AND TAKE BREAKS, AND I  
03:38PM 10 THINK HE SAID THAT WOULD BE GREAT, OR WORDS TO THAT EFFECT.

03:38PM 11 SO I'M GOING TO DECLINE TO STRIKE THE -- I'M SPEAKING OF  
03:38PM 12 181 -- 181 FOR THE BACK PAIN ISSUE BASED ON MY COLLOQUY WITH  
03:38PM 13 HIM AND HIS ANSWERS TO MY QUESTIONS, AS WELL AS YOURS.

03:38PM 14 126 WITH PATIENTS, IT SEEMED TO ME THAT THE CONVERSATION  
03:39PM 15 THAT SHE HAD WAS ONE OF INCONVENIENCE TO HER PATIENTS AND HER  
03:39PM 16 COLLEAGUES.

03:39PM 17 SHE DID SAY THAT HER COLLEAGUES COULD SHARE THE LOAD, AND  
03:39PM 18 SHE DID TALK ABOUT OUR SCHEDULING THAT WOULD NOT KEEP HER FROM  
03:39PM 19 THE ENTIRETY OF HER PATIENTS.

03:39PM 20 SHE DID TALK ABOUT IT WOULD BE DIFFICULT, AND OBVIOUSLY  
03:39PM 21 HER PREFERENCE WOULD BE TO BE ABLE TO CONTINUE HER FULL CASE  
03:39PM 22 LOAD. SHE SEEMS TO BE VERY GOOD AT WHAT SHE DOES. SHE SAYS  
03:39PM 23 THERE'S A WAITING LIST FOR HER.

03:39PM 24 THAT INFORMS THAT, BECAUSE OF HER HIGH DEMAND, PEOPLE WILL  
03:39PM 25 PROBABLY BE WILLING TO WAIT TO RECEIVE THE SERVICES THAT SHE

03:39PM 1 PROVIDES.

03:39PM 2 SO I'M NOT GOING TO STRIKE HER FOR HARDSHIP.

03:39PM 3 AND THEN 119, WHEN SHE TALKED ABOUT HER PREGNANCY, SHE

03:39PM 4 SAID, I JUST WANT TO LET YOU KNOW. AND, YOU KNOW, IT WAS

03:40PM 5 INFORMATIVE FOR US FOR OUR PURPOSES OF PLANNING, AND I DID ASK

03:40PM 6 HER ABOUT CONTACTING HER DOCTOR AND SHE SAID SHE EMAILED HER

03:40PM 7 DOCTOR BUT HAD NOT HEARD BACK FROM HER DOCTOR YET.

03:40PM 8 SO I DON'T THINK THERE'S ENOUGH INFORMATION IN FRONT OF

03:40PM 9 THE COURT NOW TO STRIKE HER FOR HARDSHIP AT THIS POINT, SO I'LL

03:40PM 10 DENY THAT REQUEST.

03:40PM 11 THANK YOU.

03:40PM 12 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

03:40PM 13 THEN TURNING TO THE CAUSE ISSUE FOR TODAY'S PANEL.

03:40PM 14 THE FIRST ONE I WANT TO DISCUSS IS JUROR NUMBER 161, WHO

03:40PM 15 WE JUST HAD AN OPPORTUNITY TO QUESTION IN THE JURY DELIBERATION

03:40PM 16 ROOM.

03:40PM 17 AND THE ISSUE IS SHE OBVIOUSLY KNOWS THINGS ABOUT THE

03:40PM 18 CASE, AND SHE HAS SEEN SOME NEWS MEDIA, AND WHEN THE COURT WAS

03:40PM 19 QUESTIONING HER DURING THE COURT'S VOIR DIRE, THERE WAS A

03:41PM 20 HESITATION WHEN THE COURT ASKED HER IF SHE COULD BE FAIR.

03:41PM 21 THERE WAS A HESITATION, AND SHE FINALLY DID SAY, YES, BUT THEN

03:41PM 22 LATER SHE SAID SHE'S NOT SURE SHE COULD BE FAIR.

03:41PM 23 AND THEN IN THE INTERACTION THAT WE HAD WITH HER IN THE

03:41PM 24 DELIBERATION ROOM, THERE SEEMED TO BE SOMETHING WEIGHING ON HER

03:41PM 25 MIND THAT SHE WASN'T WILLING OR ABLE TO SAY. I'M NOT SURE WHY.

03:41PM 1 BUT JUST BASED ON THE ANSWERS THAT SHE'S NOT SURE THAT SHE  
03:41PM 2 COULD BE FAIR AND SOME OF THE OTHER ANSWERS IN THE  
03:41PM 3 QUESTIONNAIRE THAT WE DISCUSSED, I THINK THAT THIS JUROR WOULD  
03:41PM 4 BE A GOOD CANDIDATE TO EXCUSE FOR CAUSE.

03:41PM 5 MR. SCHENK: YOUR HONOR, WE OPPOSE THAT.

03:41PM 6 FIRST, WHEN YOUR HONOR WAS SPEAKING WITH HER AND ASKING  
03:41PM 7 QUESTIONS ABOUT WHETHER THE JUROR COULD BE FAIR, SHE SAID, YES,  
03:41PM 8 I WANT TO SAY I'LL TRY, BUT I'VE NOT BEEN IN THE SITUATION  
03:41PM 9 BEFORE.

03:41PM 10 YOUR HONOR DRILLED DOWN A LITTLE FURTHER AND DREW A  
03:41PM 11 DISTINCTION, AND THE JUROR AGREED, HER CONCERNS ABOUT WHETHER  
03:42PM 12 SHE COULD BE FAIR, WHETHER SHE COULD TELL THE COURT SHE COULD  
03:42PM 13 BE FAIR HAD NOTHING TO DO WITH THE FACTS OF THE CASE OR THE  
03:42PM 14 INABILITY TO FOLLOW THE COURT'S INSTRUCTIONS OR A QUARREL WITH  
03:42PM 15 THE PRESUMPTION OF INNOCENCE.

03:42PM 16 SHE HAS NOT SERVED ON A JURY BEFORE AND SHE FELT SOME  
03:42PM 17 HESITANCY TO COMMITTING 100 PERCENT TO SOMETHING THAT SHE HAD  
03:42PM 18 NEVER DONE BEFORE.

03:42PM 19 THAT'S A VERY DIFFERENT THING THAN TO SAY SHE SHOULD BE  
03:42PM 20 EXCUSED FOR CAUSE BECAUSE SHE HAD SOME BIAS OR SOME THING ABOUT  
03:42PM 21 HER THAT WILL PREVENT HER FROM BEING FAIR IN THIS CASE.

03:42PM 22 I ALSO OBSERVED, AS MR. COOPERSMITH NOTED, THAT ON  
03:42PM 23 OCCASIONS SHE PAUSED OR HESITATED BEFORE ANSWERING, BUT I DID  
03:42PM 24 NOT THINK IT WAS BECAUSE SHE HAD SOMETHING TO HIDE. SHE SEEMED  
03:42PM 25 THOUGHTFUL AND CAREFUL.

03:42PM 1 WHEN THE COURT JUST A MOMENT AGO ASKED FURTHER QUESTIONS  
03:42PM 2 REGARDING HER KNOWLEDGE OF THE RELATIONSHIP BETWEEN MR. BALWANI  
03:42PM 3 AND MS. HOLMES, SHE WAS FORTHCOMING. SHE DESCRIBED WHAT IT IS  
03:43PM 4 THAT SHE KNEW.

03:43PM 5 SHE TOLD THE COURT THAT HER INFORMATION WOULD NOT PREVENT  
03:43PM 6 HER FROM BEING FAIR OR BEING AN IMPARTIAL JUROR IN THIS CASE.

03:43PM 7 WHEN THE COURT FOLLOWED UP ON, I THINK IT WAS QUESTION 56,  
03:43PM 8 THAT'S THE QUESTION WHERE WE NOTED SOME HESITANCY IN THE  
03:43PM 9 MORNING SESSION, SHE GAVE US AN ANSWER TO WHAT HER HESITANCY  
03:43PM 10 WAS BASED ON. SHE FOUND THE QUESTION SURPRISING.

03:43PM 11 THE QUESTION ITSELF CALLED OUT INDIVIDUALS FROM A  
03:43PM 12 PARTICULAR REGION, FROM SOUTH ASIA, FROM INDIA, FROM PAKISTAN,  
03:43PM 13 AND SHE SAID, WHY NOT SPAIN? WHY DIDN'T THIS QUESTION FOCUS ON  
03:43PM 14 OTHER COUNTRIES AND WHY DID IT FOCUS ON THIS REGION?

03:43PM 15 AGAIN, IT DIDN'T APPEAR THAT SHE WAS ATTEMPTING TO HIDE  
03:43PM 16 ANYTHING. SHE WAS THOUGHTFUL IN HER ANSWER, AND SHE SAID THE  
03:43PM 17 QUESTION GAVE ME PAUSE BOTH FIGURATIVELY, AND PROBABLY  
03:43PM 18 LITERALLY GAVE HER PAUSE, AND THEN SHE ANSWERED.

03:43PM 19 SHE DIDN'T KNOW WHAT TO WRITE ON THE QUESTION, BUT WHEN WE  
03:43PM 20 FOLLOWED UP WITH HER, WE GOT WHAT I THOUGHT WAS A THOUGHTFUL  
03:43PM 21 ANSWER.

03:43PM 22 NONE OF THE ANSWERS THAT SHE GAVE SUGGESTS THAT SHE HAS  
03:44PM 23 SOME BIAS OR SOME INABILITY TO BE FAIR. IN FACT, THAT'S  
03:44PM 24 CONTRARY TO WHAT WE'VE HEARD FROM HER.

03:44PM 25 THE COURT: ANYTHING FURTHER?

03:44PM 1 MR. COOPERSMITH: NOTHING FURTHER, YOUR HONOR. I  
03:44PM 2 THINK YOU'VE OBSERVED THE SAME THINGS WE OBSERVED.

03:44PM 3 THE COURT: RIGHT, I DID.

03:44PM 4 I CAN UNDERSTAND WHERE THERE MIGHT BE SOME QUESTIONING  
03:44PM 5 BASED ON A PAUSING, AND I NOTICE THAT HER PLACE OF BIRTH IS NOT  
03:44PM 6 IN THIS COUNTRY, SHE WAS BORN IN ANOTHER COUNTRY, AND IT WAS  
03:44PM 7 ONE OF THE COUNTRIES REFERENCED IN QUESTION 56, WHICH CAUSED US  
03:44PM 8 TO MAKE SOME INQUIRY ABOUT THAT HISTORICAL RELATIONSHIP AND  
03:44PM 9 TENSION BETWEEN THOSE TWO.

03:44PM 10 SHE WAS NERVOUS. MY OBSERVATION IS SHE WAS NERVOUS ABOUT  
03:44PM 11 BEING HERE. NOT ABOUT SERVICE, BUT JUST THAT SHE HAD NEVER  
03:44PM 12 BEEN IN THIS CIRCUMSTANCE BEFORE.

03:44PM 13 I THINK THAT IS SOMETHING THAT HAS TO BE GIVEN  
03:44PM 14 CONSIDERATION AS TO AN OBSERVATION OF HER QUESTIONS.

03:45PM 15 WHEN WE SPOKE WITH HER PRIVATELY A MOMENT AGO, SHE SEEMED  
03:45PM 16 TO HAVE GREATER COMFORT, AT LEAST IN EXPRESSING HER CONFUSION  
03:45PM 17 ABOUT QUESTION56 AND HER SUGGESTED EDITS ABOUT HOW THAT MIGHT  
03:45PM 18 BE BETTER PHRASED.

03:45PM 19 I SUPPOSE ONE COULD INTUIT THAT THE PAUSING MEANS THAT  
03:45PM 20 THERE'S SOME RETICENCE IN HER ABILITY TO BE FAIR, BUT IN THE  
03:45PM 21 TOTALITY OF HER QUESTIONING AND HER DEMEANOR, I DON'T CAPTURE  
03:45PM 22 THAT FROM HER.

03:45PM 23 SO I'M GOING TO FIND -- I'M GOING TO DECLINE YOUR  
03:45PM 24 INVITATION TO STRIKE HER FOR CAUSE FOR THOSE REASONS.

03:45PM 25 MR. COOPERSMITH: YES, YOUR HONOR.

MOVING ON. JUROR NUMBER 119 -- WHICH I UNDERSTAND THERE WAS A HARDSHIP ISSUE, BUT THAT'S BEEN DENIED -- THERE WAS AN ISSUE WHERE I WAS HAVING A DISCUSSION WITH HER ABOUT WHETHER THE DEFENSE WOULD HAVE TO PRODUCE EVIDENCE TO ESTABLISH INNOCENCE, AND SHE SEEMED TO BE VERY UNSURE ABOUT THAT AND TOOK QUITE A WHILE.

AND I UNDERSTAND THE COURT DID FINALLY ASK HER, AND I THINK I EVEN ASKED HER, COULD SHE FOLLOW THE INSTRUCTION? AND SHE SAID YES.

BUT THERE WAS A LOT OF UNCERTAINTY IN SORT OF COMING TO THAT, AND WE THINK THAT THAT WOULD BE ENOUGH TO STRIKE HER BECAUSE WE JUST DON'T -- WE THINK SOMEONE HAS TO BE ABSOLUTELY SURE THAT THEY CAN FOLLOW THE INSTRUCTION AND PRESUME INNOCENCE EVEN IF THE DEFENSE DOESN'T PRESENT ANY EVIDENCE AT ALL.

SO THAT WAS THE ISSUE.

THE COURT: I RECALL THAT COLLOQUY BACK AND FORTH, AND THAT EDUCATION, IF YOU WILL.

MR. COOPERSMITH: YES, YOUR HONOR.

THE COURT: MR. SCHENK.

MR. SCHENK: YOUR HONOR, WE OPPOSE REMOVING JUROR 119 FOR CAUSE. HER HESITANCY I DON'T THINK WAS BASED ON AN INABILITY TO FOLLOW COURT INSTRUCTION. IT WAS RATHER AN UNDERSTANDING OF THE PRESUMPTION OF INNOCENCE.

SHE WAS ASKED QUESTIONS, AND I DON'T THINK THAT SHE HAS EXPERIENCE IN THIS AREA, AND I DON'T THINK THAT SHE APPRECIATED

03:47PM 1 THAT IN RESPONSE TO THE QUESTIONS THAT SHE WAS BEING ASKED, THE  
03:47PM 2 PRESUMPTION OF INNOCENCE APPLIED OR WAS RELEVANT.

03:47PM 3 SHE DID NOT EXPRESS HESITANCY OR CONCERNS ABOUT FOLLOWING  
03:47PM 4 COURT INSTRUCTIONS.

03:47PM 5 WHEN TOLD THERE WAS A PRESUMPTION OF INNOCENCE, THAT THE  
03:47PM 6 DEFENSE WOULD NOT HAVE TO PRESENT EVIDENCE, SHE WAS SOMEONE WHO  
03:47PM 7 UNDERSTOOD THE COURT OR MR. COOPERSMITH'S STATEMENT TO HER  
03:47PM 8 ABOUT THOSE CONCEPTS. SHE SEEMS ABLE TO APPLY THOSE.

03:47PM 9 HER HESITANCY SEEMED IN FACT TO BE AN UNDERSTANDING OF THE  
03:47PM 10 APPLICATION OF THE PRESUMPTION OF INNOCENCE TO THE PARTICULAR  
03:47PM 11 QUESTIONS THAT SHE WAS BEING ASKED.

03:47PM 12 THAT'S A VERY DIFFERENT THING THAN SOMEONE WHO CAN'T  
03:47PM 13 FOLLOW COURT INSTRUCTIONS AND SHOULD BE STRUCK FOR CAUSE.

03:47PM 14 THE COURT: YOU KNOW -- THANK YOU.

03:47PM 15 WHAT I GLEANED FROM THAT CONVERSATION, THAT COLLOQUY, WAS  
03:47PM 16 THE INITIAL QUESTION ABOUT WHAT IF THE DEFENSE DOESN'T PUT  
03:47PM 17 ANYTHING ON, THEN WHAT WOULD YOU DO?

03:48PM 18 I LOOKED AT HER AND, TO ME, SHE HAD THIS QUIZZICAL LOOK.  
03:48PM 19 HUH? HUH? WHAT IS THAT QUESTION?

03:48PM 20 AND THEN YOU FOLLOWED UP, MR. COOPERSMITH, AS TO -- I  
03:48PM 21 THINK MR. SCHENK, OR CERTAINLY THE COURT DID.

03:48PM 22 AND I TEND TO AGREE WITH MR. SCHENK. I'M NOT SURE SHE  
03:48PM 23 UNDERSTOOD THE GAMUT OF THE -- THE TOTALITY OF THE  
03:48PM 24 HYPOTHETICAL. BECAUSE SHE DID SAY, DIDN'T SHE, WELL, I GUESS I  
03:48PM 25 WOULD HAVE TO LOOK AT THE EVIDENCE OF THE GOVERNMENT THEN, OR



03:48PM 1 WHAT IS IN FRONT OF ME THEN, WHICH SEEMED TO BE AN ENTRANCE  
03:48PM 2 INTO BALANCING JUST WHAT IS IN FRONT OF ME.

03:48PM 3 AND THEN LATER ON I THINK -- I DON'T WANT TO SAY THERE WAS  
03:48PM 4 A GESTALT MOMENT, BUT, YOU KNOW, IT SEEMED SHE UNDERSTOOD IT  
03:48PM 5 AND THEN SHE GOT TO THE, YES, OKAY, I'LL FOLLOW THE  
03:48PM 6 INSTRUCTIONS.

03:48PM 7 AND I ASKED QUESTIONS ABOUT PRESUMPTION OF INNOCENCE TO  
03:48PM 8 SEE IF THAT WOULD FILL THE GAP OF HER QUESTIONING ABOUT THAT  
03:49PM 9 CONCEPT.

03:49PM 10 I DON'T THINK SHE HAD -- OR THAT SHE LACKS THE CAPACITY TO  
03:49PM 11 UNDERSTAND THE PRESUMPTION OF INNOCENCE.

03:49PM 12 QUITE THE CONTRARY. I BELIEVE THE QUESTIONING, THE FINAL  
03:49PM 13 QUESTIONING TO HER ALLOWED HER TO UNDERSTAND THAT. SHE DID SAY  
03:49PM 14 SHE WOULD FOLLOW THE INSTRUCTIONS.

03:49PM 15 I SPENT A LOT OF TIME NOT JUST WITH HER, BUT PERHAPS USING  
03:49PM 16 HER AND OTHERS AS AN EDUCATIONAL TOOL TALKING ABOUT THE  
03:49PM 17 IMPORTANCE OF THE PRESUMPTION OF INNOCENCE.

03:49PM 18 THIS MORNING I ASKED SEVERAL JURORS, I THINK, I POINTED  
03:49PM 19 DIRECTLY TO YOUR CLIENT AND I ASKED, CAN YOU PRESUME HIM TO BE  
03:49PM 20 INNOCENT? ANY PROBLEM WITH THAT?

03:49PM 21 AND I DON'T RECALL IF I ASKED HER THAT SPECIFICALLY. I  
03:49PM 22 MAY HAVE.

03:49PM 23 BUT I'M GOING TO DECLINE YOUR INVITATION TO STRIKE HER FOR  
03:49PM 24 CAUSE. I DON'T THINK IT'S APPROPRIATE FOR JUROR 119.

03:49PM 25 MR. COOPERSMITH: YES, YOUR HONOR.

MOVING ON TO JUROR 126, WHO I UNDERSTAND THE COURT DENIED  
ON THE HARDSHIP SIDE.

ON THE CAUSE SIDE, THE CONCERN WE HAD IS THAT SHE'S A  
CHIROPRACTOR, SHE'S A HEALTH CARE PROVIDER, SHE SEEMS DEDICATED  
TO HER PATIENTS, AND SHE SAID THAT IT WOULD BE VERY HARD FOR  
HER TO PUT ASIDE HER CONCERN THAT PATIENTS WOULD BE HARMED OR  
SOMETHING LIKE THAT.

AND IT WASN'T, YOU KNOW, SPECIFIC TO THIS CASE  
NECESSARILY, BUT THE CONCERN THAT WE HAVE IS THAT WE ANTICIPATE  
THAT THE GOVERNMENT IS GOING TO PRESENT A CASE WHERE THEY'RE  
GOING TO CLAIM THAT THE BLOOD TESTS THAT WERE BEING CONDUCTED  
BY THERANOS WERE NOT CORRECT OR NOT WHAT THEY SHOULD HAVE BEEN.

I THINK THAT'S OBVIOUS.

AND WE THINK BEFORE WE EVEN GET TO REFUTING THAT, WHICH OF  
COURSE WE WILL DO, SHE WILL BE BEHIND BECAUSE SHE'S COMING AT  
THIS FROM A PERSPECTIVE THAT SHE WAS VERY CANDID ABOUT THAT SHE  
HAD, AND THIS WILL AFFECT HER IN A WAY, YOU KNOW, THAT IT MAY  
NOT AFFECT OTHER JURORS.

AND FOR THAT REASON I THINK THIS WOULD NOT BE A GOOD JUROR  
TO SIT ON THIS CASE.

THE COURT: THANK YOU.

DID SHE TALK -- AND MAYBE I HAVE THESE CONFUSED.

DID SHE TALK TO US ABOUT ETHICS AND MORALITY?

MR. COOPERSMITH: SHE DID.

THE COURT: RIGHT. I RECALL THAT. I WANTED TO SAY

03:51PM 1 THOSE ARE NOT IN THE INDICTMENT SPECIFICALLY, BUT I THINK I  
03:51PM 2 CAPTURED HER SENTIMENT.

03:51PM 3 MR. SCHENK.

03:51PM 4 MR. SCHENK: YES, YOUR HONOR.

03:51PM 5 THE GOVERNMENT OPPOSES REMOVING 126 FOR CAUSE.

03:51PM 6 SHE KNOWS VERY LITTLE ABOUT THIS CASE. SHE SAID, MY  
03:51PM 7 KNOWLEDGE OF THE CASE IS LOW, BUT IF THE CASE IS ABOUT HEALTH  
03:51PM 8 CARE, THEN THAT'S WHAT MY BACKGROUND IS IN, AND I THINK THAT  
03:51PM 9 THAT FIELD BRINGS WITH IT CERTAIN OBLIGATIONS, CERTAIN MORAL OR  
03:51PM 10 ETHICAL OBLIGATIONS.

03:51PM 11 AND IT REALLY SEEMS UNFAIR OF THE POSITION THAT  
03:51PM 12 MR. COOPERSMITH WOULD PUT JURORS IN, AND THAT IS, IF THE  
03:51PM 13 GOVERNMENT PRESENTS A CASE THAT SUGGESTS THAT FRAUD HAPPENED,  
03:51PM 14 IT'S UNFAIR FOR HER TO BE A JUROR, OR JURORS LIKE HER, BECAUSE  
03:51PM 15 SHE MIGHT BE TROUBLED BY FRAUD.

03:52PM 16 OF COURSE. THERE'S NOTHING UNIQUE ABOUT HER.

03:52PM 17 IF WE CONVINCE HER, IF THE GOVERNMENT PUTS ON A CASE AND  
03:52PM 18 CONVINCES A JUROR THAT FRAUD OCCURRED, IT'S NOT OBJECTIONABLE  
03:52PM 19 THAT A JUROR WOULD BE TROUBLED BY THAT OCCURRING.

03:52PM 20 THE QUESTION IS, DOES SHE KNOW SOMETHING ABOUT THE CASE  
03:52PM 21 THAT WOULD PREVENT HER FROM BEING A FAIR JUROR IN THE CASE?  
03:52PM 22 DOES SHE HAVE AN OPINION OR SOME PREEXISTING KNOWLEDGE THAT SHE  
03:52PM 23 CAN'T PUT ASIDE?

03:52PM 24 AND NONE OF THAT IS PRESENT HERE. SHE CAN COME TO THE  
03:52PM 25 COURT WITH AN OPEN MIND. SHE CAN HEAR THE EVIDENCE AND

03:52PM 1 EVALUATE THE EVIDENCE. AND SHE HAS NOT SUGGESTED ANYTHING TO  
03:52PM 2 US TO SUGGEST THAT SHE CAN'T DO THAT, THAT SHE CAN'T HEAR AND  
03:52PM 3 EVALUATE THE EVIDENCE FAIRLY AND IMPARTIALLY.

03:52PM 4 IN FACT, SHE SAID THAT TO US SEVERAL TIMES.

03:52PM 5 THE COURT: I THINK SHE SAID IN HER QUESTIONNAIRE  
03:52PM 6 SHE DID NOT KNOW WHO ELIZABETH HOLMES WAS. I THINK THAT WAS  
03:52PM 7 ONE OF THE ANSWERS. IT'S NOT ON POINT TO THIS.

03:52PM 8 MR. COOPERSMITH: RIGHT. AND OUR ISSUE IS THAT SHE  
03:52PM 9 HAS SOME PARTICULAR CASE KNOWLEDGE.

03:52PM 10 THE COURT: RIGHT.

03:52PM 11 MR. COOPERSMITH: AND WHERE I TAKE ISSUE WITH  
03:53PM 12 MR. SCHENK IN TERMS OF HIS REMARKS JUST NOW IS THAT THERE ARE  
03:53PM 13 SEVERAL ELEMENTS OF THE OFFENSES AT HAND, RIGHT? AND ONE OF  
03:53PM 14 THEM IS THE ELEMENT OF FALSITY.

03:53PM 15 SO IS IT THE CASE THAT THE BLOOD TESTING TECHNOLOGY THAT  
03:53PM 16 IS AT ISSUE DIDN'T WORK? OR DID IT WORK? I MEAN, THAT'S ONE  
03:53PM 17 ISSUE.

03:53PM 18 ANOTHER ISSUE IS, DID MR. BALWANI KNOW THAT? DID HE  
03:53PM 19 INTEND TO DECEIVE?

03:53PM 20 AND THE CONCERN WITH THIS JUROR IS THAT ONCE -- IF SHE  
03:53PM 21 WERE CONVINCED, AND I DON'T KNOW IF SHE WILL BE, BUT IF SHE  
03:53PM 22 WERE CONVINCED THAT THERE WAS SOME PROBLEM WITH THE BLOOD  
03:53PM 23 TESTING, IN FACT, THEN THIS WOULD SO COLOR HER VIEW OF THE  
03:53PM 24 WORLD THAT SHE WOULD JUST WANT TO CONVICT AT THAT POINT BECAUSE  
03:53PM 25 SHE THINKS, ACCORDING TO HER OWN WORDS, THAT THIS IS, YOU KNOW,

03:53PM 1 AN ETHICAL, MORAL ISSUE WHEN YOU GET INTO THE HEALTH CARE  
03:53PM 2 FIELD.

03:53PM 3 SO THAT'S OUR CONCERN WITH 126.

03:53PM 4 THE COURT: YEAH. REGRETTABLY, WE DIDN'T FOLLOW UP  
03:53PM 5 WITH THAT, DID WE, ABOUT HER ETHICS AND MORALITY?

03:54PM 6 SHE TOLD US, AS A HEALTH CARE PROVIDER, SHE HAS GREAT  
03:54PM 7 PRIDE IN THE PROFESSION AND OTHER PROFESSIONALS.

03:54PM 8 I THINK SHE DID EXPRESS SOME CONCERN ABOUT ETHICS,  
03:54PM 9 MORALITY. NONE OF US FOLLOWED UP, I THINK, WITH QUESTIONS  
03:54PM 10 ABOUT THAT OR DISTINGUISHING MORALITY FROM ELEMENTS OF  
03:54PM 11 OFFENSES, WHICH IS SOMETHING THAT'S IMPORTANT IN THE CASE.

03:54PM 12 I HAD THOUGHT TO, AND MAYBE I SHOULD HAVE ASKED HER ABOUT  
03:54PM 13 WHETHER OR NOT THE GOVERNMENT IS GOING TO ARGUE IN THEIR CASE  
03:54PM 14 THAT THIS WAS IMMORAL OR UNETHICAL CONDUCT OR SOMETHING. I  
03:54PM 15 DON'T THINK THERE WAS THAT ARGUMENT IN THE PREVIOUS CASE.

03:54PM 16 SO IT'S -- YOU KNOW, LET ME DEFER ON HER. I WANT TO READ  
03:54PM 17 THE TRANSCRIPT. I WANT TO READ WHAT SHE ACTUALLY SAID TO THE  
03:54PM 18 QUESTIONS.

03:54PM 19 MR. COOPERSMITH: YES, YOUR HONOR.

03:54PM 20 THE COURT: SO WE'LL PASS HER FOR TOMORROW.

03:55PM 21 MR. COOPERSMITH: OKAY. THANK YOU.

03:55PM 22 AND THEN TWO MORE ON THE CAUSE FOR TODAY'S PANEL. ONE IS  
03:55PM 23 JUROR NUMBER 181.

03:55PM 24 JUROR NUMBER 181, THERE WERE TWO ISSUES. THIS WAS THE  
03:55PM 25 JUROR WHO SAID HE HAD A GOOD FRIEND WHO WAS A LAW ENFORCEMENT

03:55PM 1 OFFICER, AND HE DID SAY HE COULD AVOID DISCUSSING IT AND ALL OF  
03:55PM 2 THAT.

03:55PM 3 BUT HE ALSO SAID THAT HE HAD A VIEW THAT LAW  
03:55PM 4 ENFORCEMENT -- AND THEN HE SAID IT WAS STARTING AT SORT OF A  
03:55PM 5 HIGHER PLANE OF CREDIBILITY, AND THEN IT WOULD TAKE THEM MORE  
03:55PM 6 TO PUT THEM DOWN TO THE LEVEL OF A NORMAL WITNESS.

03:55PM 7 AND THEN HE SAID THE SAME THING ABOUT DOCTORS, THAT HE HAD  
03:55PM 8 A SIMILAR VIEW OF DOCTORS, THAT HE WOULD CREDIT THEIR  
03:55PM 9 TESTIMONY.

03:55PM 10 AND SO I THINK THERE LIKELY WILL BE DOCTORS TO TESTIFY IN  
03:55PM 11 THIS CASE, INCLUDING DR. ROSENDORFF.

03:55PM 12 SO THOSE WERE THE REASONS THAT I THOUGHT HE WOULD NOT BE A  
03:55PM 13 SUITABLE JUROR FOR THIS CASE.

03:55PM 14 THE COURT: OKAY.

03:55PM 15 MR. SCHENK: YOUR HONOR, THE GOVERNMENT OPPOSES  
03:56PM 16 EXCUSING 181 FOR CAUSE. THE JUROR HAS SAID THAT HE COULD  
03:56PM 17 FOLLOW THE COURT'S INSTRUCTIONS.

03:56PM 18 THERE WERE NO LAW ENFORCEMENT OFFICERS THAT TESTIFIED IN  
03:56PM 19 THE TRIAL AGAINST MS. HOLMES. THERE CERTAINLY WERE DOCTORS.

03:56PM 20 IT SEEMS NATURAL THAT A JUROR WOULD THINK, BASED ON  
03:56PM 21 SOMEONE'S TRAINING AND EXPERIENCE, EITHER LAW ENFORCEMENT OR A  
03:56PM 22 DOCTOR, THAT I SHOULD TRUST WHAT THEY SAY MORE ON THOSE TOPICS  
03:56PM 23 THAN OTHERS.

03:56PM 24 HE DIDN'T HAVE THE BENEFIT OF THE MODEL INSTRUCTION ON  
03:56PM 25 CREDIBILITY OF WITNESSES.

03:56PM 1 THE COURT FOLLOWED UP IN A COLLOQUY, IF I INSTRUCT YOU  
03:56PM 2 WITNESSES SHOULD START ON AN EVEN PLAYING FIELD, THAT ONE  
03:56PM 3 SHOULD NOT BE HIGHER THAN THE OTHER?

03:56PM 4 HE THEN AFFIRMED AN ABILITY TO UNDERSTAND THAT INSTRUCTION  
03:56PM 5 AND FOLLOW THAT.

03:56PM 6 SO I THINK WHAT WE SAW THERE WAS SORT OF A NATURAL  
03:56PM 7 STATEMENT FROM AN INDIVIDUAL TO RESPECT TRAINING AND  
03:56PM 8 EXPERIENCE, EITHER IN LAW ENFORCEMENT OR IN MEDICINE. HIS  
03:57PM 9 INCLINATION WAS TO APPLY THAT IN A COURTROOM, BUT HE DIDN'T  
03:57PM 10 HAVE THE BENEFIT OF THE MODEL INSTRUCTION ON CREDIBILITY OF  
03:57PM 11 WITNESSES.

03:57PM 12 AND, IN FACT, ON SOME OCCASIONS THE DOCTORS, MAYBE IN ALL  
03:57PM 13 OF THE OCCASIONS, THE DOCTORS TESTIFIED IN THE HOLMES TRIAL AS  
03:57PM 14 EXPERTS, SO THE COURT GIVES A SPECIFIC INSTRUCTION ON HOW  
03:57PM 15 WITNESSES, BECAUSE OF THEIR TRAINING AND EXPERIENCE, ARE  
03:57PM 16 ALLOWED TO TESTIFY ABOUT OPINIONS ON SUBJECTS WHEN THAT  
03:57PM 17 WOULDN'T BE APPROPRIATE FOR OTHERS.

03:57PM 18 SO I THINK WE HAVE SUFFICIENT MODEL INSTRUCTIONS TO CURE  
03:57PM 19 ANY CONCERNS THAT WOULD BE REMAINING WITH THIS JUROR, THOUGH I  
03:57PM 20 SUBMIT TO YOU THERE SHOULDN'T BE ANY REMAINING CONCERNS BECAUSE  
03:57PM 21 OF THE WITNESS'S STATEMENTS ABOUT -- I'M SORRY, WITH THE JUROR  
03:57PM 22 'S STATEMENTS ABOUT HIS ABILITY TO FOLLOW INSTRUCTIONS.

03:57PM 23 MR. COOPERSMITH: YOUR HONOR, TWO OTHER THINGS IN  
03:57PM 24 RESPONSE TO MR. SCHENK.

03:57PM 25 SO, FIRST OF ALL, THERE WERE DOCTORS WHO TESTIFIED IN THE

03:57PM 1 HOLMES CASE WHO WOULD NOT QUALIFY AS EXPERTS, SPECIFICALLY THE  
03:57PM 2 ONES I REMEMBER WERE DR. ROSENDORFF AND DR. DAS. SO THAT'S ONE  
03:58PM 3 THING.

03:58PM 4 BUT THE OTHER ISSUE IS THAT, YOU KNOW, MR. LEACH TOOK THE  
03:58PM 5 TIME THIS MORNING TO INTRODUCE FEDERAL AGENTS SITTING AT THE  
03:58PM 6 TABLE AND SITTING IN THE AUDIENCE AS PART OF THE PROSECUTION  
03:58PM 7 TEAM, AND I AM VERY CONCERNED ABOUT A JUROR WHO HAS THAT KIND  
03:58PM 8 OF A RELATIONSHIP WITH LAW ENFORCEMENT AND REALLY HAS THAT  
03:58PM 9 VIEW.

03:58PM 10 IT'S FINE TO HAVE THAT VIEW. THE PROBLEM IN THIS CASE IS  
03:58PM 11 THAT I THINK IT COLORS, YOU KNOW, HIS JUDGMENTS AS A JUROR.

03:58PM 12 THE COURT: THANK YOU.

03:58PM 13 YOU KNOW, WHAT WAS TELLING TO ME -- AND I THINK I POSED  
03:58PM 14 THE QUESTION AND I THINK, MR. COOPERSMITH, YOU DID, TOO -- DO  
03:58PM 15 YOU THINK LAW ENFORCEMENT MAKES MISTAKES AND DO YOU THINK  
03:58PM 16 DOCTORS MAKE MISTAKES?

03:58PM 17 AND HE SAID, OH, YEAH. HE WASN'T SHY ABOUT ANSWERING THAT  
03:58PM 18 QUESTION, WHICH SUGGESTS THAT HE'S ABLE TO RECOGNIZE A MISTAKE  
03:58PM 19 FROM EVERYONE, AND PARTICULARLY THOSE TWO PROFESSIONS.

03:58PM 20 IF HE HAD SAID NO, I THINK THEY'RE, WHATEVER THEY SAY, YOU  
03:59PM 21 KNOW, IS SACROSANCT, BUT HE DIDN'T SAY THAT. HE SAID, NO,  
03:59PM 22 THEY'RE LIKE EVERYONE ELSE, THEY MAKE MISTAKES, WHICH HELPED ME  
03:59PM 23 TO UNDERSTAND A BIT MORE ABOUT HIS FRIENDSHIP WITH HIS FRIEND,  
03:59PM 24 AND WITH THE DOCTORS.

03:59PM 25 ONE THING WE DIDN'T TALK ABOUT, AND I DON'T MEAN TO GET



03:59PM 1 OFF ON A DIFFERENT TOPIC, BUT DID HE HAVE A HEALTH ISSUE  
03:59PM 2 REGARDING A TUMOR OR SOMETHING ELSE? I THOUGHT THERE WAS  
03:59PM 3 SOMETHING ABOUT THAT. MAYBE I HAVE A DIFFERENT NOTE ON THAT.

03:59PM 4 MR. SCHENK: YOUR HONOR, HE DID. IN HIS  
03:59PM 5 QUESTIONNAIRE HE TALKED ABOUT SYMPTOMS SINCE THE REMOVAL, BUT  
03:59PM 6 IN COURT TODAY HE ACTUALLY TALKED ABOUT A DIFFERENT HARDSHIP,  
03:59PM 7 THAT WAS SITTING AND STANDING FOR EXTENDED PERIODS OF TIME.

03:59PM 8 THE COURT: RIGHT.

03:59PM 9 MR. COOPERSMITH: HE TALKED ABOUT HAVING  
03:59PM 10 CONCENTRATION, VISION, AND SPEECH ISSUES FROM A BRAIN TUMOR  
04:00PM 11 REMOVAL IN 2020.

04:00PM 12 BUT MR. SCHENK IS RIGHT, HE TALKED ABOUT A DIFFERENT  
04:00PM 13 HARDSHIP THIS AFTERNOON.

04:00PM 14 THE COURT: TODAY. AND THE ONE EARLIER THAT COULD  
04:00PM 15 BE ACCOMMODATED.

04:00PM 16 ALL RIGHT. THANK YOU.

04:00PM 17 WELL, THANK YOU. I'M NOT INCLINED TO EXCUSE HIM FOR  
04:00PM 18 CAUSE. I FOUND HIM, CANDIDLY, VERY -- I WAS GOING TO USE THE  
04:00PM 19 WORD ENTERTAINING, AND THAT'S NOT THE RIGHT ANSWER -- BUT I  
04:00PM 20 THOUGHT HE WAS VERY CANDID AND OPEN ABOUT HIS STATEMENTS IN  
04:00PM 21 RESPONSE TO QUESTIONS, PARTICULARLY ABOUT THE ONES THAT YOU  
04:00PM 22 RAISED ABOUT THE POLICE AND DOCTORS, AND WHAT INFORMS THE COURT  
04:00PM 23 IS HIS RECOGNITION THAT THEY MAKE MISTAKES. THEY'RE HUMAN LIKE  
04:00PM 24 EVERYBODY ELSE.

04:00PM 25 SO I'M GOING TO DECLINE YOUR INVITATION TO STRIKE 181 FOR

04:00PM 1 CAUSE.

04:00PM 2 MR. COOPERSMITH: OKAY, YOUR HONOR. THANK YOU.

04:00PM 3 AND THEN THE LAST ONE, JUST REALLY BRIEFLY. I STILL HAVE  
04:00PM 4 A CONCERN ABOUT 165 JUST BECAUSE WE ASKED HIM A LOT OF  
04:01PM 5 QUESTIONS ABOUT HIS HABITS AND LOOKING AT THE INTERNET AND NEWS  
04:01PM 6 MEDIA, AND HE SEEMED TO BE HAVING A LOT OF DIFFICULTY  
04:01PM 7 ACKNOWLEDGING THAT HE WOULDN'T BE ABLE TO DO THAT.

04:01PM 8 AND IN FAIRNESS, I MEAN, NO ONE, AS I UNDERSTAND IT, IS  
04:01PM 9 GOING TO TELL HIM YOU CAN'T READ ANYTHING, YOU CAN'T WATCH  
04:01PM 10 ANYTHING, YOU HAVE TO SPEND YOUR TIME STARING AT THE WALL OR  
04:01PM 11 SOMETHING.

04:01PM 12 BUT HE SEEMED TO HAVE DIFFICULTY UNDERSTANDING THAT. YOU  
04:01PM 13 KNOW, THE COURT IS GOING TO TELL HIM YOU CAN'T LOOK AT ANYTHING  
04:01PM 14 ABOUT THIS CASE. AND HE -- YOU KNOW, HE WAS ACKNOWLEDGING  
04:01PM 15 THAT, YEAH, HE GETS THAT, BUT THERE WAS SOME HESITATION THERE I  
04:01PM 16 THINK.

04:01PM 17 THE COURT: DID HE -- IS THIS THE JUROR THAT SAYS HE  
04:01PM 18 TOLD US HE SPENDS ABOUT AN HOUR AND WHAT AM I GOING TO DO WITH  
04:01PM 19 THAT HOUR?

04:01PM 20 MR. COOPERSMITH: BASICALLY, YES.

04:01PM 21 THE COURT: HOW DO I FILL THAT HOUR? AND I WAS  
04:01PM 22 WAITING FOR ALL OF US TO OFFER SOME SUGGESTIONS.

04:01PM 23 (LAUGHTER.)

04:01PM 24 THE COURT: WELL, THANK YOU.

04:01PM 25 MR. SCHENK, ANYTHING FURTHER ON HIM?

04:01PM 1 MR. SCHENK: YOUR HONOR, I'LL BE BRIEF AS WELL.

04:02PM 2 THE GOVERNMENT OPPOSES EXCUSING 165. IN RESPONSE TO  
04:02PM 3 QUESTIONS ABOUT ACCESSING MEDIA REGARDING THE CASE, HE SAID IT  
04:02PM 4 WOULD BE DOABLE, I CAN DO IT.

04:02PM 5 THERE IS ALSO ONE OTHER THING THAT IS USEFUL AND THAT IS  
04:02PM 6 THAT I BELIEVE HE TALKED ABOUT A DOCUMENTARY OR MAYBE IT WAS A  
04:02PM 7 "TED TALK," BUT HE DID NOT WATCH THE WHOLE THING.

04:02PM 8 THE COURT: RIGHT.

04:02PM 9 MR. SCHENK: SO THE DRAW MIGHT NOT BE THERE.

04:02PM 10 HE MIGHT SPEND A LOT OF TIME RESEARCHING, BEING UP TO DATE  
04:02PM 11 ON NEWS, BUT THE PARTICULAR CONCERN THAT HE WOULD BE ATTRACTED  
04:02PM 12 TO NEWS ON THIS CASE SEEMS TO BE LESSENED BY THE FACT THAT HE  
04:02PM 13 ENGAGED WITH SOME MEDIA ON IT BUT DIDN'T FIND IT ENGAGING  
04:02PM 14 ENOUGH TO FINISH, AND THAT COMBINED WITH HIS STATEMENT THAT IT  
04:02PM 15 WOULD BE DOABLE AND I CAN DO IT.

04:02PM 16 I THINK IT'S APPROPRIATE TO KEEP 165 AS PART OF THE VENIRE  
04:02PM 17 PANEL.

04:02PM 18 THE COURT: THANK YOU. IT SEEMED LIKE WHAT WAS MOST  
04:03PM 19 TROUBLING TO HIM IS NATURE ABHORS A VACUUM AND HOW IS HE GOING  
04:03PM 20 TO FILL THAT ONE HOUR IF HE'S NOT ABLE TO FILL IT WITH VIDEO?

04:03PM 21 AND BAKING, GARDENING, CYCLING, ALL OF THOSE THINGS CAME  
04:03PM 22 TO MIND. BUT THAT'S NOT IN THE NINTH CIRCUIT MODEL  
04:03PM 23 INSTRUCTIONS, SO I'M NOT GOING TO INSTRUCT HIM ON THAT.

04:03PM 24 ALL RIGHT. THANK YOU. I'M NOT GOING TO EXCUSE HIM FOR  
04:03PM 25 CAUSE, BUT THANK YOU VERY MUCH FOR THE CONVERSATION. I

04:03PM 1 APPRECIATE IT.

04:03PM 2 ANY OTHERS?

04:03PM 3 MR. COOPERSMITH: NOT FOR TODAY'S PANEL. WE JUST  
04:03PM 4 HAVE A MATTER OF BOTH HARDSHIP AND CAUSE ISSUES FOR YESTERDAY'S  
04:03PM 5 PANEL.

04:03PM 6 THE COURT: OKAY. ARE WE GOING TO TAKE THOSE UP  
04:03PM 7 TOMORROW THEN? IS THAT WHAT WE'RE GOING TO DO?

04:03PM 8 MR. COOPERSMITH: THAT WOULD BE FINE, YOUR HONOR.

04:03PM 9 MR. SCHENK: MAY I JUST HAVE ONE MOMENT?

04:03PM 10 THE COURT: SURE. YES.

04:03PM 11 (DISCUSSION AMONGST GOVERNMENT COUNSEL OFF THE RECORD.)

04:04PM 12 MR. SCHENK: THANK YOU VERY MUCH, YOUR HONOR.

04:04PM 13 THE COURT: SHOULD WE SEE EACH OTHER TOMORROW  
04:04PM 14 MORNING? IS THAT AT 9:00 O'CLOCK?

04:04PM 15 MR. SCHENK: IT IS. IF I COULD MAKE ONE SUGGESTION,  
04:04PM 16 I DON'T KNOW IF IT'S DOABLE, BUT I KNOW THAT MR. COOPERSMITH IS  
04:04PM 17 ASKING FOR INDIVIDUAL VOIR DIRE OF SOME MEMBERS OF YESTERDAY'S  
04:04PM 18 PANEL, AND I DON'T RECALL WHETHER JUDGE FREEMAN IS STILL IN  
04:04PM 19 TRIAL TOMORROW OR NOT OR WHETHER THERE WILL BE A JURY HERE OR  
04:04PM 20 NOT FOR THAT TRIAL.

04:04PM 21 THE GOVERNMENT DOESN'T THINK THAT INDIVIDUAL VOIR DIRE IS  
04:04PM 22 NECESSARY, BUT IF WE DO IT, IS IT TOO LATE IN THE DAY TO INVITE  
04:04PM 23 JUST THOSE SPECIFIC JURORS TO COURT TOMORROW SO THAT AS WE  
04:04PM 24 DISCUSS THE INDIVIDUAL CHALLENGES, HARDSHIP CAUSE FROM  
04:05PM 25 WEDNESDAY 'S PANEL, IF THE COURT DECIDES IT WANTS TO

04:05PM 1 INDIVIDUALLY VOIR DIRE ANY INDIVIDUAL JURORS, THEY WOULD BE  
04:05PM 2 HERE FOR THAT? IT MIGHT BE TOO LATE IN THE DAY TO ACCOMPLISH  
04:05PM 3 THIS, BUT I THOUGHT I WOULD OFFER IT.

04:05PM 4 THE COURT: IT'S NOT YET 5:00.

04:05PM 5 DO WE HAVE THE UNIVERSE OF THAT LIST? DO YOU HAVE THAT  
04:05PM 6 NUMBER?

04:05PM 7 MR. COOPERSMITH: YES, YOUR HONOR.

04:05PM 8 THE COURT: DO YOU HAVE COPIES FOR US OR --

04:05PM 9 MR. COOPERSMITH: WE CAN DO THAT, YOUR HONOR. YEAH.  
04:05PM 10 IT'S FIVE NAMES.

04:05PM 11 THE COURT: OKAY.

04:05PM 12 MR. COOPERSMITH: FIVE NUMBERS. SO THESE ARE THE  
04:05PM 13 PEOPLE WHO RAISED THEIR HAND WHO WERE AWARE OF THE  
04:05PM 14 RELATIONSHIP: THAT'S JUROR NUMBER 10, JUROR NUMBER 34, JUROR  
04:05PM 15 NUMBER 48, JUROR NUMBER 80, JUROR NUMBER 82.

04:05PM 16 AND THEN ONE ANOMALY, AND I THINK I MENTIONED THIS THE  
04:05PM 17 OTHER DAY OR YESTERDAY, YOUR HONOR, BUT WHEN WE CHECKED THE  
04:06PM 18 TRANSCRIPT, ONE OF THE JURORS WHO RAISED THEIR HAND SAID 63,  
04:06PM 19 AND ALL OF OUR TEAM WROTE IN THEIR NOTES 63, AND THE COURT  
04:06PM 20 REPORTER ALSO CAPTURED 63.

04:06PM 21 WE DON'T THINK THIS IS JUROR 63 BECAUSE I DON'T THINK  
04:06PM 22 JUROR 63 WAS THERE. WE THINK IT MAY HAVE BEEN JUROR 83 BASED  
04:06PM 23 ON THE REREADING THE QUESTIONNAIRE.

04:06PM 24 SO I CAN'T SAY THAT WITH 100 PERCENT CERTAINTY, BUT THAT'S  
04:06PM 25 WHAT WE THOUGHT MIGHT BE THE CASE. SO 83 MIGHT NEED TO BE

04:06PM 1 ADDED TO THAT LIST. SO THAT WOULD BE THE SIX.

04:06PM 2 I HATE TO BRING THE PERSON BACK WHEN MAYBE THAT'S NOT  
04:06PM 3 CORRECT, BUT THAT'S THE BEST WE COULD DO GIVEN THAT THERE WAS A  
04:06PM 4 MISHEARING OF THE NUMBER BY EVERYONE.

04:06PM 5 THE COURT: DO YOU WANT SOME TIME TO GET AN  
04:06PM 6 INVESTIGATOR ON THIS TO TRACK THIS DOWN?

04:06PM 7 MR. COOPERSMITH: NO, I DON'T THINK I WILL DO THAT.  
04:06PM 8 THERE MIGHT BE SOME OTHER ISSUES.

04:06PM 9 THE COURT: OKAY. SO YOUR SUGGESTION IS THAT WE ADD  
04:06PM 10 83 AND PERHAPS THE FIRST QUESTION IS TO ASK 83 SHOULD YOU BE  
04:06PM 11 HERE?

04:06PM 12 MR. COOPERSMITH: THE ANSWER TO THAT WILL PROBABLY  
04:06PM 13 BE NO, YOUR HONOR.

04:07PM 14 BUT I GUESS THE QUESTIONNAIRE, AND WE CAN PULL IT.

04:07PM 15 (PAUSE IN PROCEEDINGS.)

04:07PM 16 MR. COOPERSMITH: YEAH. SO IN QUESTION -- I THINK  
04:07PM 17 IT'S QUESTION 38. IT'S A LITTLE CRYPTIC, BUT THE QUESTION WAS:  
04:07PM 18 HAVE YOU READ, WATCHED, LISTENED TO, OR BEEN TOLD OF ANY STORY  
04:07PM 19 OR DESCRIPTION IN THE MEDIA? AND THEN IT GOES ON. TALKED  
04:07PM 20 ABOUT THIS CASE OR ABOUT SUNNY BALWANI, ELIZABETH HOLMES, OR  
04:07PM 21 THERANOS IN GENERAL?

04:07PM 22 AND THE ANSWER WAS YES. AND IT'S NEWSPAPER AND DON'T  
04:07PM 23 REMEMBER SPECIFICALLY WHEN.

04:07PM 24 THAT'S VERY CRYPTIC. YOU KNOW, IT DOESN'T REALLY DEAL  
04:08PM 25 WITH THE RELATIONSHIP ISSUE, BUT BECAUSE OF THE PERHAPS

04:08PM 1 SIMILARITY BETWEEN 83 AND 63, WE THINK THAT'S A POSSIBILITY.  
04:08PM 2 BUT THAT'S WHAT I KNOW ABOUT THAT, RIGHT.

04:08PM 3 THE COURT: OKAY.

04:08PM 4 MR. SCHENK: I NOTICED THE 63 IN MY NOTES AS WELL,  
04:08PM 5 AND THAT THERE WASN'T A JUROR NUMBER 63 PRESENT IN COURT  
04:08PM 6 YESTERDAY.

04:08PM 7 TO QUESTION 42, WHICH ASKS IF YOU HAVE KNOWLEDGE OF THE  
04:08PM 8 RELATIONSHIP, 83 SAID NO. MAYBE 83 GOT IT WRONG AND MAYBE 83  
04:08PM 9 ALSO GOT HIS JUROR NUMBER WRONG.

04:08PM 10 I WOULD NOT OPPOSE BRINGING IN 83 TOMORROW.

04:08PM 11 THE COURT: I'VE JUST BEEN INFORMED IF WE'RE GOING  
04:08PM 12 TO DO THIS, I NEED TO NOTICE THE COMMISSIONER NOW TO DO THIS.

04:08PM 13 SO LET'S BRING BACK TOMORROW 10, 34, 48, 80, 82, AND 83.  
04:08PM 14 THE QUESTION IS THE TIME. 10:00 O'CLOCK?

04:08PM 15 MR. COOPERSMITH: YES, YOUR HONOR.

04:08PM 16 AND I GUESS THE QUESTION IS IS THE COURT PLANNING TO HAVE  
04:09PM 17 THE ARGUMENT ON THAT MOTION BEFORE THAT OR AFTER THAT?

04:09PM 18 THE COURT: WELL, THAT'S WHY I SAID 10:00. IF WE  
04:09PM 19 HAVE THE MOTION SCHEDULED FOR 9:00 THEN WE CAN MOVE INTO THEM  
04:09PM 20 AT 10:00.

04:09PM 21 I THINK THEY WOULD PROBABLY BE MORE PLEASED TO COME IN  
04:09PM 22 LATER IN THE MORNING THAN EARLY. I'M JUST ASSUMING THAT.

04:09PM 23 (DISCUSSION OFF THE RECORD.)

04:09PM 24 THE COURT: WHY DON'T I SAY 10:00 O'CLOCK. CAN WE  
04:09PM 25 ASK THEM TO COME AT 10:00 O'CLOCK TO THE JURY ASSEMBLY ROOM.

04:09PM 1 AND THAT ALSO PUTS A LITTLE PRESSURE ON US TO BE EFFICIENT.

04:10PM 2 MR. COOPERSMITH: YOUR HONOR, THAT'S FINE. I JUST  
04:10PM 3 WANT TO MAKE SURE THAT THERE'S ENOUGH TIME FOR THE ARGUMENT,  
04:10PM 4 BECAUSE THAT'S AN IMPORTANT ISSUE.

04:10PM 5 THE COURT: SURE. THERE WILL BE. I DON'T MEAN TO  
04:10PM 6 SUGGEST I'M GOING TO LIMIT YOU AND YOUR ARGUMENT.

04:10PM 7 MR. COOPERSMITH: OKAY. THANK YOU.

04:10PM 8 THE COURT: I'VE SEEN THE PLEADINGS, AND I THINK I  
04:10PM 9 UNDERSTAND THE ISSUE SUFFICIENTLY THAT YOU'LL BE ABLE TO BRING  
04:10PM 10 THEM TO MY ATTENTION EFFICIENTLY.

04:10PM 11 OKAY.

04:10PM 12 MR. SCHENK: THANK YOU.

04:10PM 13 THE COURT: GREAT. SEE YOU IN THE MORNING. THANK  
04:10PM 14 YOU.

04:10PM 15 MR. COOPERSMITH: THANK YOU, YOUR HONOR.

04:10PM 16 THE CLERK: COURT IS ADJOURNED.

04:10PM 17 (COURT ADJOURNED AT 4:10 P.M.)

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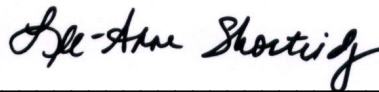
CERTIFICATE OF REPORTERS

WE, THE UNDERSIGNED OFFICIAL COURT REPORTERS OF THE  
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO  
HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS  
A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE  
ABOVE-ENTITLED MATTER.



IRENE RODRIGUEZ, CSR, CRR  
CERTIFICATE NUMBER 8076



LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

DATED: MARCH 10, 2022